

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2014-09

GENERAL APPLICATION INFORMATION

◆ **Name/Address of Applicant:**

Coastal Gulf and International
For Keith Collura
13615 River Road
Luling, LA 70070
985.785.0765

Application Date: 05/06/14

◆ **Location of Site:**

Lot 3 of Square 2 of Gassen Subdivision, 106 Gassen Street.

◆ **Requested Action:**

Rezone from R-1A to C-2

SITE-SPECIFIC INFORMATION

◆ **Size of Parcel:**

5,275 sq. ft.

◆ **Zoning and Land Use:**

The property has been zoned R-1A since the 1981 comprehensive rezoning. It is developed with a single-family house; The property was seized in December 2010 and purchased by the applicant in March 2012.

◆ **Surrounding Land Uses and Zoning:**

To the north, or right along Gassen Street, property is zoned C2 and developed with an office building owned by the applicant.

To the west is the applicant's main campus for Coastal Gulf & International, a testing lab.

To the east and south, across Gassen Street and to the left along Gassen Street, property is zoned R-1A and developed with Gassen Subdivision, platted in the early 1950s and built with single-family, site-built houses approximately 1000-2000 square feet on 50' wide 5275 square foot lots.

◆ **Plan 2030 Recommendations:**

Although the Future Land Use Map is not parcel specific and this area is indicated General Commercial along River Road and Low-Density Residential immediately adjacent to the General Commercial, this property appears to be indicated low density residential (4-8 dwelling units per gross acre). However, exceptions to required plan amendments include a rezoning request for small properties (less than 3 acres) for a use consistent and compatible with existing adjacent uses.

◆ **Utilities:**

Standard utilities are available for the site.

◆ **Traffic Access:**

The property has 50 feet of width along Gassen Street, a 50 foot wide right of way with 18 feet of asphalt and a 3.5' wide sidewalk. It is 135' from LA 18/River Road (Gassen Subdivision Plat by EM Collier dated Aug. 14, 1953 and Survey of Lot 3 Block 2...by Lucien Gassen dated May 26, 2014).

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:

- a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.
 - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
 3. The proposed zoning change is in keeping with zoning law and precedent, in that:
 - a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

AND:

Section VI. [III.] C-2 General commercial district— Retail sales:

1. Use Regulations:

a. A building or land shall be used for the following purposes:

- (1) All uses allowed in C-1 District. (Ord. No. 88-5-5, 5-16-88)
- (2) Retail sales (except auto and mobile home sales), usage, and storage
- (3) Hotels, motels and apartment hotels
- (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
- (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances. (Ord. No. 94-11-2, § V, 11-7-94)
- (6) Animal hospitals where all animals are kept inside the building
- (7) Service station
- (8) Commercial recreation facilities
- (9) Commercial greenhouses and nurseries
- (10) Commercial schools
- (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following: Bicycles, radios, televisions, stereos and recorders, household appliances, locksmiths, typewriters, other similar uses
- (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses: dressmakers, millinery, tailors, baking goods sales, laundry and dry cleaners, theatres (but not the drive-in type)
- (13) Laboratories
- (14) Customary accessory uses incidental to the above uses when located on the same lot
- (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
- (16) Cemeteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts
- Cellular/communication towers. (Ord. No. 95-9-11, 9-18-95)
- (17) Other uses of similar intensity.
- (18) Mini-storage facilities (limited to one-story construction in C-2 district). (Ord. No. 98-3-17, § II, 3-
- (19) Historic home site bed and breakfast. (Ord. No. 13-7-6, § II, 7-1-13)

b. Special exception uses and structures include the following:

- (1) Dwelling units contained within the office building
- (2) Reserved
- (3) Reserved
- (4) Churches
- (5) Movie theaters

(6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director. (Ord. No. 88-9-9, 9-6-88)(Ord. No. 85-7-17, 7-22-85)

c. Special permit uses and structures include the following:

(1) R-1A and R-1B uses upon review and approval by the Planning Commission.

(2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.

(3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.

(4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.

(5) Heating and air conditioning service.

(6) Sheet metal shops

(7) Plumbing shops.

(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 St. Charles Parish Council.

(Ord. No. 92-9-14, 9-8-92; Ord. No. 94-1-9, § III, 1-10-94; Ord. No. 94-6-6, § I, 6-6-94; Ord. No. 98-7-6, 7-6-98; Ord. No. 02-5-21, 5-20-02; Ord. No. 03-1-12, § III, 1-21-03; Ord. No. 07-10-10, § I, 10-15-07; Ord. No. 09-4-19, § 1, 4-20-09)

2. Spatial Requirements:

a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) 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. (Ord. No. 08-8-9, § XI, 8-18-08)

3. Transportation Requirements: Arterial

4. Special Provisions:

a. Where any commercial use in a C-2 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.

(Ord. No. 82-6-9, § III, 6-7-82; Ord. No. 98-1-3, § III, 1-5-98)

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ANALYSIS

Keith Collura purchased the subject property from the Sheriff in March 2012; it had been seized in December 2010. At 5,500 square feet and 50' wide the lot is legally non-conforming as to area and width. It contains a single-family house. The property owner proposes to demolish the house and incorporate the property into the campus of Coastal Gulf and International (CG&I), a testing lab. This would be the second expansion of land area for CG&I as ordinance 00-11-16 rezoned Lot 8 of Square A of Luling Parkway from C-1 to C-2 to allow the main testing facility to be permitted. The applicant stated on that rezone request: "This zoning change will allow us to build a state of the art facility well landscaped and appealing to the eye. This in turn will increase neighboring property values. Coastal Gulf has operated for many years from this site and hope [sic] that with the rezoning it will be many more" (Application for PZR 2000-24).

In order to receive a recommendation for approval, a rezoning request must meet all of the criteria of at least one of three evaluation tests. As an expansion of a C-2 zone to accommodate the expansion of a successful business, the request meets all criteria of the third test.

The third test is designed to ensure the rezoning is not capricious or arbitrary and does not create a spot zone which would inhibit the maintenance and enjoyment of neighboring properties. Neighboring properties to the north and west already are zoned C2 and developed with the business campus this property is proposed to be joined with. At issue are the neighboring residences to the south and across Gassen Street.

While encroachment of commercial uses into residential areas is always a concern, the required 6' high solid fence and 10' wide landscaped buffer where commercial uses abut residential uses, the noise ordinance, and prohibitions on glare and security fencing in residential areas generally protect abutting residences. This portion of Gassen Subdivision is close to the Mississippi River. It is not anticipated that

noises and other impacts from the expansion of the business will exceed those generated by River Road and River traffic. In fact, a well-designed buffer for between the business and residences may even help buffer those impacts. The main building for CG&I does not appear to meet the 10' landscaped buffer between it and adjoining residences. Mechanical equipment for the building appears closer to the property line than the required 10' and there does not appear to be any buffer landscaping. During permitting for an expansion, the business campus will be reviewed for compliance with commercial development requirements and non-compliant situations will be brought as much in compliance as possible, therefore, rezoning the lot should not adversely affect the reliance that neighboring property owners or occupants have places upon existing zoning patterns, not should it limit the value or usefulness of neighboring properties.

As an expansion of an existing C-2 zone along the Mississippi River, rezoning this 5,500 square foot lot will not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

DEPARTMENTAL RECOMMENDATION

Approval