

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2014-02

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant/Owner:** Stacey Williams
PO Box 656
Luling, LA 70070
- Application date:** March 5, 2014
- ◆ **Location of Site:**
Lots 20 and 21 of Booker T. Washington Subdivision, 404 S. Kinler Ave, formerly Helen Bar.
- ◆ **Requested Action:**
Rezone from R-1A(M) to C-3

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcels:**
Each lot is 50' x 83.4' or 4,170 square feet for a total of 8,340 square feet. Should the request to rezone be approved, the two lots would have to be combined into one lot and developed as one site in order to permit any C-3 use in the building.
- ◆ **Existing Land Use and zoning:**
Lot 21 is developed with a site-built structure on a slab that most recently was occupied by Helen Bar. Lot 20 is graded to allow car parking and other activity. Neither is developed to current code requirements. Helen Bar was closed in early 2013 as a non-compliant alcoholic beverages business that did not maintain state and local liquor licenses as required by law.
- ◆ **Surrounding Land Uses and Zoning:**
The site is surrounded by R1A(M) zoning and residential uses except in the rear or west where adjacent property is vacant and wooded (but zoned R-1A(M)).
- ◆ **Plan 2030 Future Land Use Category on the property:**
Mixed Use Corridor
- ◆ **Utilities:**
Standard utilities serve the site with the exception of drainage.
- ◆ **Traffic Access:**
The site has 100' of frontage on South Kinler Street, a substandard local road. The driveway and parking is gravel.

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

[IV.] [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. (Ord. No. 88-5-5, 5-16-88)
 - (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*. (Ord. No. 97-7-4, § VIII, 7-7-97)
 - (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. (Ord. No. 88-9-9, 9-6-88)

c. Special permit uses and structures include the following:

- (1) Barrooms, night clubs, lounges, and dancehalls.
 - (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*. (Ord. No. 01-5-18, § II, 5-21-01)
 - (5) Cellular installations and PCS (personal communication service) installations.
 - (6) *Reserved*. (Ord. No. 01-5-18, § III, 5-21-01)
 - (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.
- (Ord. No. 92-9-14, 9-8-92; Ord. No. 94-1-9, § IV, 1-10-94; Ord. No. 94-6-6, § II, 6-6-94; Ord. No. 97-7-4, § IV, 7-7-97; Ord. No. 98-4-17, § III, 4-20-98; Ord. No. 99-12-24, § I, 12-20-99; Ord. No. 03-1-12, § IV, 1-21-03; Ord. No. 07-10-10, § II, 10-15-07; Ord. No. 09-2-6, § 1, 2-16-09)

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. (Ord. No. 08-8-9, § XII, 8-18-08)

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.

ANALYSIS

The applicant requests a rezone from R-1A(M) (Single-family Residential mobile homes permitted) to C-3 (Highway Commercial) on two lots that total 8,340 square feet as the first step in reestablishing a nonconforming barroom that was closed in the first quarter of 2013 due to inadequate liquor licensing. Since the building has been closed for a period greater than six months, the establishment lost its nonconforming status. The process to reestablish a barroom at this location is a rezone to C-3 and approval of a Special Permit Use (PZSPU-2014-03). The Sheriff's Office is opposed to rezoning the property and granting the Special Permit.

In order to receive a recommendation for approval, a rezoning request must meet all of the criteria of at least one of three tests. This request **fails all three.**

The first test is designed to provide relief when land use character has changed to the extent that no reasonable use of the property exists under the current zoning which is defined by similar surrounding land uses, consideration of unique land characteristics, and consideration of changes in land value or other aspects that limit the usefulness of vacant land or buildings. The surrounding buildings are comparable in size and occupied with residential uses. The surrounding neighborhood is an established residential area which seems to be holding its land value. The property and/or building at 404 South Kinler could be converted for residential use. Therefore, the current R-1A(M) zoning is not obsolete and the request fails the first test.

The second test is designed to protect the public interest by preventing traffic congestion and overburdening public infrastructure and utilities, to ensure compatible land uses, and to maintain a balance of particular zoning districts in proportion to the population. C-3 zoning permits a number of uses that are not compatible with the residential zoning and uses that surround this site in a dense development pattern. Many permitted C-3 uses would cause congestion on South Kinler Street because it is a narrow residential street that is not designed to handle commercial traffic. Furthermore, it is unlikely that the site as established can be upgraded to meet current fencing and buffering requirements where the proposed C-3 zoning abuts a residence on the northwest. Because of the potential for incompatible land uses, the request fails the second test.

The third test is designed to evaluate the proposed request with zoning law and precedent and to review existing zoning patterns. This site is entirely surrounded by R-1AM zoning and residential uses on three sides. Rezoning to C-3 is likely to adversely affect the reliance these neighboring property owners have placed on existing zoning patterns. Therefore, the request is for a spot zone, and it fails the third test.

This analysis considers the effect that rezoning property that is surrounded by single-family zoning and residences to highway commercial may have on the neighborhood. While the stated intent of the property owner is to reestablish a barroom that operated for many years, changing the zoning to highway commercial in the middle of a residential neighborhood creates the potential for negative impacts on the neighborhood and is not recommended.

DEPARTMENTAL RECOMMENDATION

Denial.