

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2014-04

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant/Owner:** Angelo Puglise
6 W. Levert Dr.
Luling, LA 70070
- ◆ **Location of Site:** Portion of Lot F, located south of 14031 Hwy. 90.
- ◆ **Requested Action:** Rezone from OL to C-3

Application date: March 28, 2014

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcels:** Approximately 93,512 square feet
- ◆ **Existing Land Use and zoning:** The portion of Lot F proposed for rezoning is vacant, but cleared and graded.
- ◆ **Surrounding Land Uses and Zoning:** C-3 zoning and uses abut along Hwy 90, to the north. To the east, south and west, property is zoned OL, vacant and wooded. Bordering the western property line is a 200' wide Entergy right of way built with electrical transmission lines; the site of Hahnville High School borders the powerline right-of-way further to the west.
- ◆ **Plan 2030 Future Land Use Category on the property:** Moderate Density Residential; however this property meets the FLUM amendment exception as it is a small property (less than 3 acres) where the applicant proposes a use consistent and compatible with existing adjacent uses.
- ◆ **Utilities:** The portion of Lot F proposed for rezoning has no utilities. In order to permit a structure and use on the property, a developer would have to build access from Hwy 90, and extend a water main 450' feet or more. Description of sewer and drainage facilities in the area were not submitted to the Department, as of writing this report.
- ◆ **Traffic Access:** The portion of Lot F proposed for rezoning does NOT have frontage on an improved road or highway. In order to permit a structure or use on the property, access from Hwy 90 would have to be installed by a developer.

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

VI.A.[I] [I.] *O-L. Open Land District:*

Policy statement: This district is composed mainly of large open un subdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

AND

[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 OL, Open Land, to C-3, Highway Commercial, on a portion of Lot F of the Young's Estate which is not subdivided. Staff has requested written authorization for the applicant to act on behalf of all property owners. Staff has also requested information on the availability of community sewer and drainage in the vicinity. The Department of Waterworks indicates water does not serve this location and that in order to *resubdivide*, the property, a developer would have to build an extension of approximately 450' of 8' watermain to serve the site. The area proposed for rezoning is also proposed for resubdivision, but currently, it does not have frontage on a developed public street.

This request is to extend the C-3 zoning boundary to the south to incorporate property that is already cleared and graded, for commercial purposes. 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 meets the criteria of the **first test**.

OL zoning is designed to preserve open space and prevent scattered businesses and industry from developing in uncoordinated ways; however, OL zoning is also intended to be "reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code." The site is adjacent to commercial development on Highway 90; therefore, a request to extend the C-3 zoning boundary meets criterion 1a which addresses similar adjacent land uses. Under criterion 1b, environmental or physical restrictions unique to the property are evaluated. Property directly to the west of the subject site is encumbered by a power line right of way which severely restricts the development of the land lying under it. This right of way functionally limits the frontage of the property on Hwy 90; therefore expanding the lot depth will allow the property owner the necessary area to install all the code-required improvements upon development. In consideration of the power line right of way restrictions, the request meets criterion 1b. Criterion 1c addresses changes in economic aspects which may limit the usefulness of vacant land or buildings under the current zoning. Given that the access to the property is via Hwy 90 and through a commercial development, it is unlikely that the subject property will develop in a manner consistent with the OL zoning designation; therefore, the request meets criterion 1c.

DEPARTMENTAL RECOMMENDATION

Approval