

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2021-13-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 10/5/2021**
St. Charles Plaza Partners
13726 River Road
Destrehan, LA 70047
(985)-764-9911; joelchaisson@aol.com
- ◆ **Location of Site**
12727 Highway 90, Luling
- ◆ **Requested Action**
Rezoning from C-2, General Commercial-Retail Sales to C-3, Highway Commercial-Wholesale and Retail Sales.

This application was submitted in conjunction with minor subdivision 2021-13-MIN. The proposed C-3 zoning would be located on 61,010 sq. ft. (1.4 acres) of Lot A-1-A-1A, in the area shown as proposed Lot A-1-A-6A according to the resubdivision survey by Riverlands Survey Company dated September 22, 2021.

SITE INFORMATION

- ◆ **Size of Site**
61,010 sq. ft. (1.4 acres)
- ◆ **Current Zoning and Land Use**
C-2; the site is located within a developed commercial shopping center, with proposed Lot A-1-A-6A developed with a commercial metal building.
- ◆ **Surrounding Zoning and Land Use**
C-2 zoning abuts to the front and east side; C-3 zoning butts to the west side; R-1A zoning is adjacent to the rear.

The site is located within St. Charles Plaza shopping center which contains a mix of commercial uses including restaurants, retail outlets, and offices. A separate lot within the shopping center is developed with the Professional Learning Center for St. Charles Public Schools. The parcels adjacent to each side of St. Charles Plaza are undeveloped. Single family houses are adjacent to the rear.

- ◆ **Future Land Use Recommendation**
General Commercial: The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.
- ◆ **Traffic Access**
The site can be accessed from Highway 90 via three separate driveways. Two of those driveways provide access to the lot which is the subject of this rezoning.

This rezoning was submitted along with a resubdivision application which would divide Lot A-1-A-1A into several individual lots. The subject area of this rezoning would be on Lot A-1-A-6A. This lot would not have frontage on a dedicated public street, but would have access to Highway 90 via a servitude going through an adjacent lot.

Utilities

Parish water available along Highway 90.

There are sewer servitudes running through the site directing wastewater to a Parish maintained lift station at the front. This wastewater is then transferred to Parish sewer lines on Highway 90.

The site is fully developed and completely impervious, so additional drainage impacts are not expected.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[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

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
 - 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, also
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

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 two or more of the following criteria are met:

1. *The proposed rezoning conforms to the 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 proposed rezoning conforms to the Comprehensive Plan Future Land Use map designation of General Commercial, which provides for those uses permitted in the C-2 and C-3 commercial zoning districts. This would also not be considered a spot zone as it would expand upon an adjacent C-3 zoning district. **The request meets 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 and the proposed zoning does.* The existing C-2 zoning allows reasonable use of the site, and the land use pattern in the area has not changed in a way making the existing zoning unreasonable. The site is located in the St. Charles Plaza shopping center, which is developed with a large parking lot and direct access to Highway 90, making it well suited to accommodate C-2 uses. Permitting activity over the past 5 years includes 4 commercial renovations of individual suites and 7 changes of occupancy for new businesses, indicating the existing C-2 zoning does not deprive the property owner of use of the lot. **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.* The uses permitted in the C-3, Highway Commercial district are compatible within the Highway 90 commercial corridor, where examples of C-2 and C-3 uses located on the same site or adjacent to one another are present. Potential conflicts could occur where the proposed C-3 district abuts a residential neighborhood to the rear. But it should be noted 334 ft. of the rear property line of St. Charles Plaza is already zoned C-3, and the district allows Planning and Zoning to apply greater buffer zones where this conflict occurs. These uses are also not expected to have any

more of an impact on public facilities compared to those permitted in the C-2 district.
The request meets the third guideline.

ANALYSIS

The applicant requests a change of zoning from C-2, General Commercial-Retail Sales to C-3, Highway Commercial-Wholesale and Retail Sales on Lot A-1-A-1A of St. Charles Plaza, Luling.

This is a companion application to minor subdivision 2021-13-MIN, which proposes to divide Lots A-1-A-1A into six (6) lots (net increase of five). The C-3 zoning proposed as part of this request would be located on the lot designated A-1-A-6A.

The request meets the first and third rezoning criteria as detailed in the previous section.

If approved, the rezoning would not require a change to the Parish's Future Land Use Map.

DEPARTMENT RECOMMENDATION

Approval, due to meeting the first and third rezoning guidelines.