

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2014-06

GENERAL APPLICATION INFORMATION

- | | | | |
|--|--|--|-------------------------------------|
| ◆ Name/Address of Applicants:
Mohammad Munawar
3608 Taft Park Ave
Metairie LA 70002
504.931.3577 | Mahesh Koneru
314 Riverwood Dr
St Rose LA 70067
504.610.7244 | Property Owner:
LaVera Porters
118 St Rose Ave
St Rose LA 700678 | Application Date:
4/15/14 |
|--|--|--|-------------------------------------|
- ◆ **Location of Site:**
118 St Rose Ave
(Portion of proposed Lot 1E)
- ◆ **Requested Action:**
Rezone from R-1AM to C-2

SITE-SPECIFIC INFORMATION

- | | |
|---|--|
| ◆ Size of Parcel:
35' x 162.53 26,446.93 sq. ft. | Plan 2030 Recommendations:
Neighborhood Commercial |
| ◆ Zoning and Land Use:
R-1A zoning; undeveloped land uses | |
| ◆ Surrounding Land Uses and Zoning:
<u>Surrounding Zoning:</u> R-1A zoning in 3 sides;
South side rezoned to OL (Ord. # 13-5-6)
<u>Surrounding Land Uses:</u>
Sparse residential to vacant uses. | Traffic Access:
St Rose Ave. |

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:

- 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:*
 - Land use the same as, or similar to that existing or properties next to, or across the street from the site under consideration.*
 - Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.*
 - Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.*
- 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:*
 - Undue congestion of streets and traffic access.*
 - Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.*
 - Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.*
 - An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.*
- The proposed zoning change is in keeping with zoning law and precedent, in that:*
 - It is not capricious or arbitrary in nature or intent.*
 - It does not create a monopoly, or limit the value or usefulness of neighboring properties.*
 - It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.*
 - 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

Appendix A., Zoning Ordinance 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
 - locksmith
 - 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, 3-23-98).
- 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.

(Ord. No. 82-6-6, § I, 6-7-82)

(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)

ANALYSIS

This is a request to rezone a 35 x 162.53 foot portion of existing Lot C, located at 114 St Rose Ave from R-1AM to C-2. The purpose of this request is for the applicant to subdivide this portion with Lots D & E to make a lot 164.40 wide x 163.76 ft.

The applicants neighboring C-2 property housed a bar and restaurant building that has been vacant for more than a decade. The applicants purchased the property, gutted and renovated the building, opening a fast food operation on the front side and wish to convert the rear to 3 or 4 apartments, which requires approval of a special permit use. Required parking for the fast food operation has been met; but potential conflicts between commercial and residential uses will result under the current parking configuration. In order to reduce these conflicts and provide a degree of separation between commercial and proposed residential land uses the applicant proposes to acquire additional land. That additional land is the subject property being considered to rezone. It is large enough to accommodate required parking but is not zoned C-2, which is required to convert to the required parking. Without that additional land, there are use limitations due to size that will be resolved if this lot portion is rezoned C-2.

A rezoning request must meet all of the tests of at least one of three criteria listed in applicable regulations if a recommendation for approval is stated. **This request meets the second criteria.**

Rezoning the 35 foot wide portion of property and resulting land use will not create undue congestion of streets and traffic or over burdening of public facilities. The proposal is to combine the portion of land with the existing commercial use to the south to create additional area for parking. The applicant has filed the necessary subdivision paperwork which will be processed if the rezone is approved. Approval of a rezone to C-2 on this portion of property would be consistent with the zoning directly to the south and across St Rose Avenue to the west. Landscape buffering and fencing is required between residential and commercial uses. These improvements will be required upon redevelopment of the property to a C-2 use and should help to ensure compatibility among land uses. Additionally, commercial and institutional uses already extend along the opposite side of St Rose Avenue to Bart Street. Rezoning a small portion of a lot to C-2 in order to incorporate it into an existing commercial property should not create an oversupply of commercial land uses in proportion to the population and surrounding uses.

DEPARTMENTAL RECOMMENDATION

Approval.