

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2019-9-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 5/30/19**
Chase Oddo
15717 River Road
Hahnville, LA 70057
(504)-715-9437; chaseoddo@yahoo.com
- ◆ **Location of Site**
Lot P4-A2-A, Pap's Place Subdivision; 15717 River Road, Hahnville
- ◆ **Requested Action**
Rezoning the rear of Lot P4-A2-A, (approximately 14,500 square feet), from R-1A, Single family residential to C-3, Highway Commercial.

SITE INFORMATION

- ◆ **Size of Parcel**
Lot P4-A2-A consists of 33,933 square feet and is 81.15 feet wide.
- ◆ **Current Zoning and Land Use**
R-1A; site-built single family residence with detached garage.
- ◆ **Surrounding Zoning and Land Use**
R-1A zoning abuts to the Gourgues Street side; C-2 zoning abuts to the front; R-1A, CR-1, and C-2 zoning abut to the Elm Street side; R-1A zoning abuts to the rear.

The surrounding land use is predominantly made up of single family dwellings, which abut on each side. Some commercial uses abut the site, including a gas station and convenience store at the north-west corner of River Road and Elm Street, and an AT&T service building adjacent to the Elm Street side.

- ◆ **Future Land Use Recommendation**
Low Density Residential: (from 4 up to 8 dwellings per gross acre) This category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
- ◆ **Traffic Access**
Access from River Road to Lot P4-A2-A is through adjacent Lot P2 by a 15' access servitude.
- ◆ **Utilities**
Parish Water and Sewer serve the site. Drainage is available along River Road.

APPLICABLE 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:* Before the Commission makes a recommendation or the 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. 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 zoning 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. One or more of following examples may be used in evaluating reasonableness:
 - 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. and
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 one 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 zoning that is incompatible with the surrounding neighborhood.* The Future Land Use Map designates this site as Low Density Residential, which does not provide for uses permitted in the commercial zoning districts. A change to C-3 would also be considered a spot zone permitting highway commercial uses in the midst of a residential area. Any such change on a deep, narrow residential lot would negatively impact multiple residential uses. **The request fails 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.* The land use pattern in this area follows the pattern typically found in neighborhoods off River road in Hahnville. Commercial zoning lines the River Road and with some residential zoning and uses interspersed along the River Road, but mainly concentrated in subdivisions behind the commercial zoning toward the railroad. Neighborhood commercial uses develop near River Road where they can be accessed by neighborhood residents and through-travelling traffic. The existing R-1A zoning allows the residential use that is currently on the property and is compatible with the land use pattern of the area. **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.* Lot P4-A2-A is located near the intersection of River Road and Elm Street, a commercial node in Hahnville. The C-2 and C-3 zoning and uses in the area, have frontage on River Road and do not extend into the neighborhood. The applicant is requesting to change the zoning on a portion of his lot which would permit commercial uses like repair and service shops, manufacturing, and storage and distribution operations, which are incompatible single-family residential uses *in the midst of single-family residential uses.* **The request fails the third guideline.**

ANALYSIS

The applicant requests a change of zoning from R-1A, Single Family Residential to C-3, Highway Commercial on a portion of Lot P4-A2-A, Pap's Place Subdivision, municipal address 15717 River Road, Hahnville. The result would be a split-zoned lot that is served by a 135 foot long access servitude through Lot P2 to River Road. The access servitude is 15-feet wide.

The request comes after Code Enforcement responded to a complaint on March 26th regarding an unpermitted business. Code Enforcement placed a Cease and Desist order on the property and the applicant stopped operating the business and applied for the rezoning in order to try to permit the business (Complaint ID 57155).

The request does not meet any of the guidelines for rezoning. It would not further the St. Charles Parish Comprehensive Plan, and would create a spot and split zoned lot. The current zoning allows the permitted residential use to continue and protect existing residents from impacts of C-3 zoning, like noise and traffic. A change to C-3 would not follow the established development pattern along River Road which has remained consistently commercial along the highway, with single-family residential extending into the neighborhood. Finally, while the uses permitted in the C-3 zoning district would be incompatible with the development pattern as this would allow commercial zoning to be permitted in the midst of a residential neighborhood instead being limited to River Road.

If approved, an update to the future land use map is not required as the site is less than three (3) acres.

DEPARTMENT RECOMMENDATION

Denial