

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZR-2012-31**

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date: 7/31/12**  
LA State Dept of Highways  
1201 Capitol Access Rd  
Baton Rouge LA 70802  
**255.379.1232**
  
- ◆ **Location of Site:**  
Between 12237 and 12287 US 90
  
- ◆ **Requested Action:**  
Resubdivision of Lot ADV-19 into Lots ADV-19-1, ADV-19-B, and ADV-19-C

### SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:** **Zoning and Land Use:**  
75,522.70 sf C-2
  
- ◆ **Surrounding Land Uses and Zoning:**  
West, south, east sides: C-2 zoning and land uses  
North (across US 90): M2 zoning, BNSF Railroad and Monsanto are situated
  
- ◆ **Plan 2030 Recommendations:** **Utilities:** **Traffic Access:**  
General Commercial All exist. US 90.

### APPLICABLE REGULATIONS

#### Subdivision Ordinance, Section II. Subdivision Procedure E. 4.

##### C. Minor Resubdivisions.

In instances where a net increase of five (5) or fewer lots is proposed by subdivision or resubdivision and no new or additional public improvements are required, no formal preliminary plat shall be required. However, the presented plan of resubdivision shall conform to requirements outlined in section II.C.3. of this section. The Planning and Zoning Commission has the authority to approve or disapprove such resubdivisions without Council action, provided the required public notice and public hearing actions have occurred. The proposal shall be in compliance with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations, as amended. This authority shall not exceed the limits herein.

**AND:**

#### [III.] 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    - (4) [Repealed by Ord.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)

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, § 1, 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**

The subject property is a strip of land owned by DOTD along US 90 between St Anthony Street and the Lone Star Canal in Luling. This property was acquired by DOTD for the widening of US 90. Commercial development along US 90 occurred with large setbacks; in some cases further than 100-feet from the highway. Several years ago, the state performed a study of the US 90 corridor as the possible route for Interstate 49 from Raceland in Lafourche Parish to the Westbank Expressway in Jefferson Parish. In 2007 the Record of Decision for the Interstate placed the route through this section of Luling north of the BNSF Railroad. Therefore, the land that is subject of this application is no longer needed for future widening of Highway 90 and DOTD desires to put the property into commerce.

The proposed 4 lots generally align with the commercial lots immediately to their rears. Because those lots front along what is presently highway right of way, they currently conform to hard surface frontage requirements. Once the 4 DOTD lots are created, those existing parcels will be cut off from the highway. The Planning & Zoning Department understands that the owners of the commercial lots expect to acquire the DOTD lots. Once each acquisition is complete, the Department recommends that the lots be subdivided by each owner into single lots to recreate lots that front on the right of way. If the lots are acquired by those other than those owning the commercial lots, the land-locked condition will obviously remain.

Lot ADV-19-C, aligns with an existing driveway and does not have the minimum 60-feet of hard surface frontage. Therefore, creation of this lot cannot be approved without a waiver to the minimum frontage requirement.

During review of the submitted survey, the Department gave a list of needed revisions to the applicant. As of this report, the Department has not received the revised plats.

## **DEPARTMENTAL RECOMMENDATION**

**Approval if positive recommendation to waive the frontage requirement of Lot 19-C is approved.**