

St. Charles Parish Department of Planning & Zoning

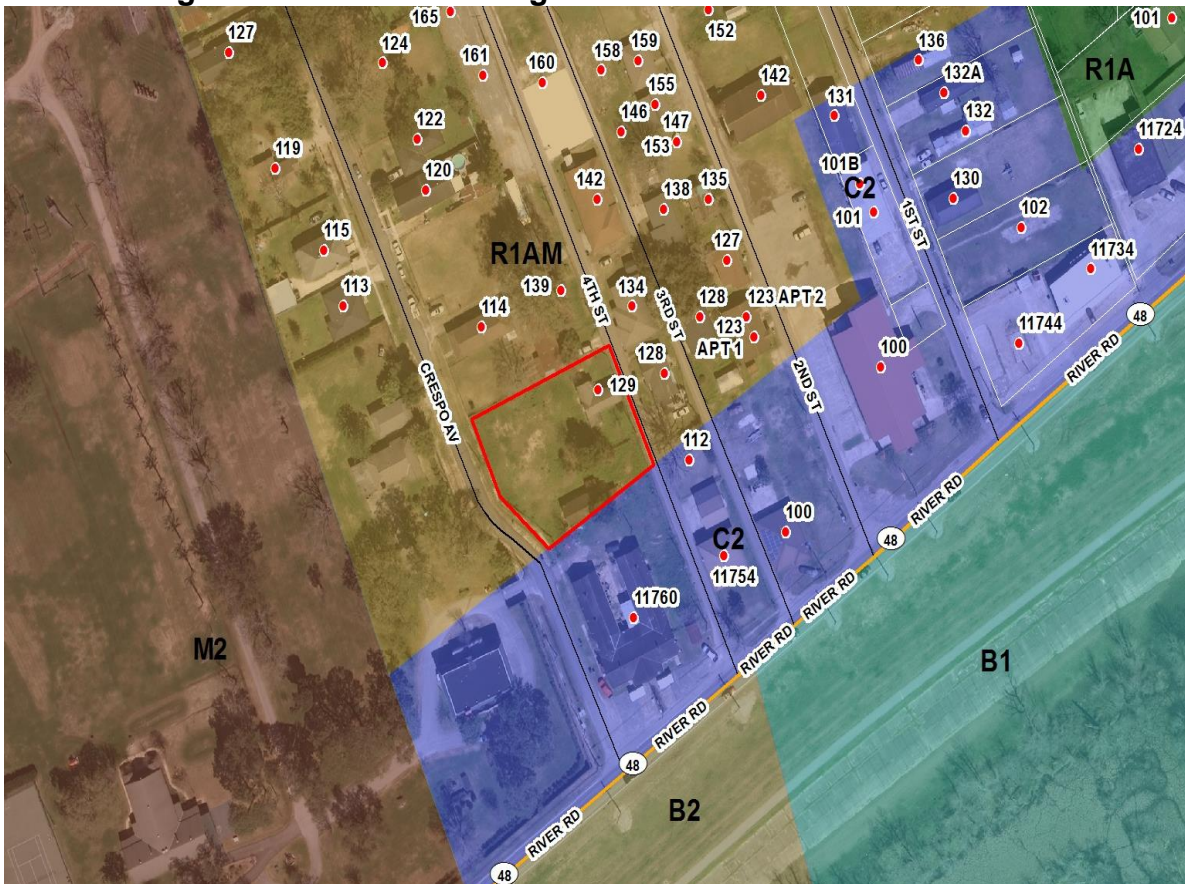
LAND USE REPORT CASE NUMBER: PZR 2015-23

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** DVL Properties, LLC
321 St Charles Ave
New Orleans, LA 70130
Application Date 9/8/15
- ◆ **Location of Site:**
11760 River Road, St Rose
- ◆ **Requested Action**
Change of zoning from R-1AM to C-2
- ◆ **Purpose of Requested Action**
Consolidation of zoning (elimination of a split zone)

SITE – SPECIFIC INFORMATION

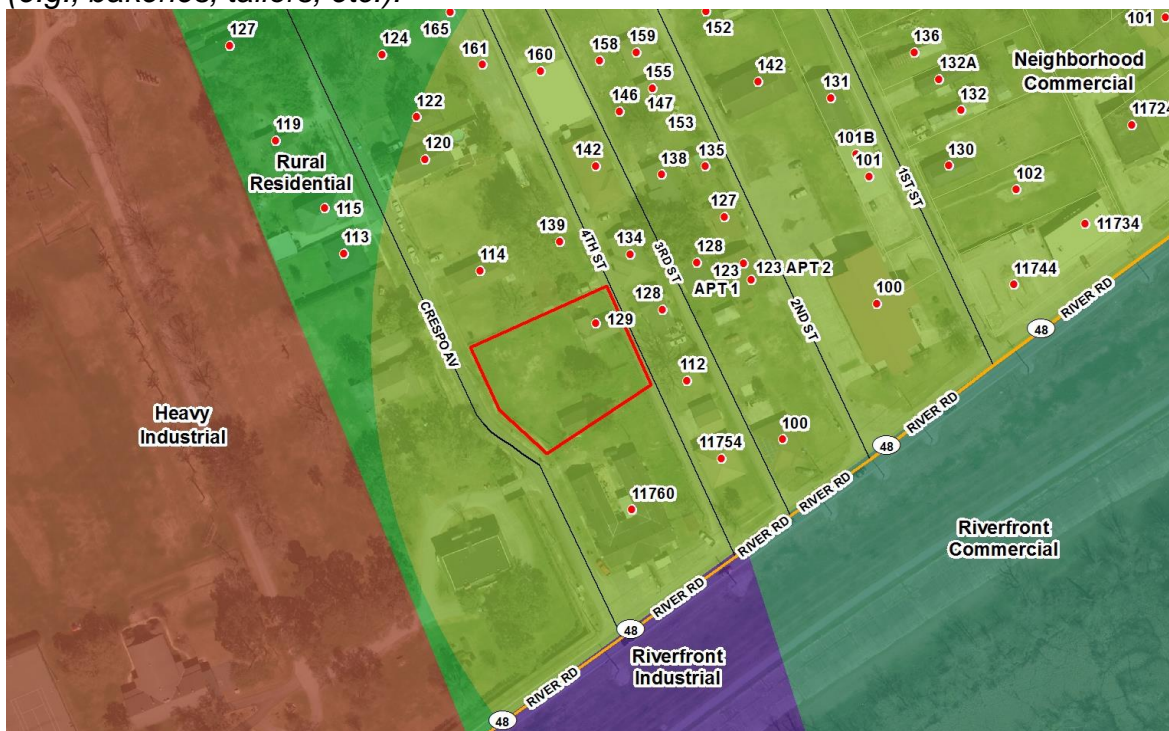
- ◆ **Size of Parcel**
Portion of Lot 1-A, which is 46,744.44 sq. ft.
- ◆ **Zoning and Current Use:**
R-1AM. Parking lot in place but renovations to building for restaurant is still incomplete.
- ◆ **Surrounding Land Uses and Zoning**



C-2 on River Road side (restaurant on same lot), R-1AM zoning and land uses to sides and rear.

Plan 2030 Recommendations:

Neighborhood Commercial- *retail sales and services for the daily self-sufficiency of residents of a neighborhood, such as convenience shopping, dry cleaners, hair salons, and barber shops, day care centers, coffee shops professional and business service offices etc. Uses permitted in the C-1 zoning district are allowed in this district. Some uses that are permitted in the C-2 zoning district are also appropriate (e.g., bakeries, tailors, etc.).*



- ◆ **Traffic Access and Parking**
Crespo Lane or Fourth Street.

APPLICABLE REGULATIONS

Appendix A, Zoning Ordinance, 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.

[[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).
 - (19) Historic home site bed and breakfast. (Ord. No. 13-7-6, § II, 7-1-13)
- 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, § 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 applicant has been renovating the structure for past 12 months to develop a restaurant. The building and yard originally sat on separate lots that had different zoning designations. An administrative resubdivision was filed that created a single lot that now has split zoning. This request seeks to create a uniform zoning for the property and use.

The first criteria is met as it complies with the Plan 2030 Recommendation for *Neighborhood Commercial* (detailed above). It will not create a spot zone since it will attach to the C-2 zoning on which the restaurant building is situated. This will in fact eliminate a split zoning.

Previous to redevelopment, the site was vacant. No other activities have existed there. Now it is being developed as a restaurant and it is unlikely that the subject portion will be suitable for residential development, as such. Therefore, **the second criteria is met.**

It meets the third criteria because the resulting land use will be compatible with the Future Land Use recommendations for neighborhood commercial and will be adequately served by public facilities and infrastructure (as was the business that formerly operated there).

This site is below the three acre threshold that mandates a corresponding FLUM amendment. Therefore, no change to the adopted FLUM is recommended at this time.

DEPARTMENT RECOMMENDATIONS

Approval.