

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR 2018-01

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** 02/22/18
Charles W. Lambert, Jr.
101 Vans Lane
Destrehan, LA 70047
(985)-764-9826
- ◆ **Location of Site**
Lot E-1, Victoria Acres Subdivision, 14394 River Road, Destrehan
- ◆ **Requested Action**
Change of zoning of a 75' x 106' portion of Lot E-1 from R-1A, Single Family Residential Detached Conventional Homes to C-2, General Commercial – Retail Sales. The purpose is to provide additional parking and storage space for the Seafood Pot restaurant (14386 River Road). The current R-1A zoning does not allow the expansion of the commercial use.

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel**
16,325 square feet total; approximately 7,950 square feet to be rezoned
- ◆ **Current Zoning and Land Use**
Lot E-1 is split zoned R-1A, Single Family Residential Detached Conventional Homes and C-2, General Commercial - Retail Sales; the C-2 portion is developed with a post office while the R-1A portion is vacant but cleared.
- ◆ **Surrounding Zoning and Land Uses**
C-2 zoning is located adjacent to the front and W. Easy Street side; R-1A zoning is adjacent to the rear; OL zoning is across Van's Lane.
- The Seafood Pot restaurant is adjacent to the front; a site-built single-family residence is adjacent to the rear; undeveloped land is located across Van's Lane; a gravel parking area is adjacent to the W. Easy Street side.
- ◆ **Future Land Use Recommendation**
Residential / Mixed Use: This land use designation applies in areas appropriate for large scale, creatively planned developments where the predominant use is residential, but where a variety of housing types at varying densities are encouraged, as well as compatible, local serving commercial and service uses. Development under this land use category is anticipated to take the form of Planned Developments (PD's) as well as Traditional Neighborhood Developments (TND's)
- ◆ **Traffic Access**
The C-2 portion of Lot E-1 has approximately 99 feet of frontage on River Road. The R-1A portion has approximately 75 feet of frontage on Van's Lane.
- ◆ **Utilities**
Standard utilities are available and representatives of the Departments of Waterworks, Public Works/Wastewater and Public Works/Drainage indicate that existing utilities can serve the proposed expansion of the adjacent restaurant or accommodate other commercial development.

APPLICABLE REGULATIONS

Appendix A. Section VI.

[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.

- (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.
- (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.
- (17) Other uses of similar intensity.
- (18) Mini-storage facilities (limited to one-story construction in C-2 district).
- (19) Historic home site bed and breakfast.
- 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.
- 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.
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.
 - (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 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.

Appendix A. Section XV. - Amendment procedure

- A. The Council may amend this Ordinance when amendments are properly introduced as outlined in Section XIV. No such amendment shall be effective unless:
1. The Planning Commission has received a full analysis report from the Planning and Zoning Department on the merits of the proposed amendment and the Commission has held a public hearing on the proposed amendment offering standard public notice according to the Commission rules; and
 2. The Council has received a full analysis which includes a recommendation from the Planning and Zoning Department on the merits of the proposed amendment and including a recommendation from the Commission contained within a verbatim transcript of the portion of the Commission meeting relating to the proposed amendment; and
 3. The Council has held a public hearing on the proposed amendment offering standard public notice according to the Council rules.
- B. Following review by the Planning and Zoning Department, a public hearing will be held by the Planning and Zoning Commission. The Planning and Zoning Department shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning. The public hearing shall be advertised in the official journal of the parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners. Following this public hearing, the recommendation of the Planning and Zoning Commission shall be forwarded to the Parish Council by the Planning and Zoning Department.
- C. A Planning Commissioner making a motion which differs from the Planning Staff recommendation may render a written statement in suitable form, for transmittal by the Secretary with the Commission and Staff reports to the Council. In addition, any other member may submit a written opinion on the matter, which shall be transmitted to the Council by the Secretary along with the Commission report.
- 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.
- F. *Withdrawal of applications:*
1. Any application which the applicant wishes to withdraw from a Planning Commission public hearing must be withdrawn by written notice to the Department of Planning and Zoning not later than the Wednesday at noon preceding the Commission meeting, and following such withdrawal will not be accepted for readvertisement for six (6) months, except on majority vote by the Commission.
 2. When application is duly advertised and not withdrawn as set forth above, a public hearing shall be held by the Commission and a report forwarded to the Council along with any application received. Said application may be withdrawn from Council action only by written request to the Council Secretary before Thursday at noon preceding the public hearing. Any such application withdrawn in this manner shall not be accepted for re-advertising for one (1) year.
 3. Any rezoning application withdrawn after Commission action but prior to Council action may be refiled with the Commission in less than one (1) year provided that the Commission approves a written request showing there is evidence not previously considered or extenuating circumstances.
 4. Any rezoning application denied by Council shall be prohibited for applying for the same map amendment for a period of one (1) year from the date of denial.

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 (FLUM) designates this property for Residential / Mixed Use. This FLU category anticipates primarily residential development with compatible, local-serving commercial uses. The purpose of the rezoning is to allow the site of the adjacent restaurant, which would be considered a local-serving commercial use, to expand. As an expansion of an existing Commercial zoning district, the request is not a spot zone. The request conforms to the development pattern established by the Comprehensive Plan, and is not a spot zone. **The first guideline is met.**
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 subject site could be developed under the current zoning with a site built single-family house. Development in this area is infrequent, with the adjacent site located at 14386 River Road having been used commercially since 1999 and as a restaurant since 2003. The adjacent residence located at 85 Van's Lane was developed in 2008. The land use pattern in this area has not changed to the point where the existing zoning does not allow for reasonable use of the subject site. **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.* Most of the uses permitted in the C-2 zoning district would be compatible with the more local-serving commercial uses (restaurant, small retail shop) found in this area, and the site is likely too small to accommodate most incompatible commercial uses (mini-storage, movie-theater, hotel). Also, where conflicts between adjacent residential and commercial uses occur, the Parish's site design guidelines require a 10 foot landscaped buffer, improving compatibility between adjacent commercial and residential sites. Representatives from Public Works & Wastewater and Waterworks have facilities servicing the area which can accommodate C-2 uses capable of developing on the site. **The third guideline is met.**

ANALYSIS

The applicant requests a rezoning of the R-1A portion of Lot E-1 to C-2. The remaining portion of Lot E-1 is currently zoned C-2. The purpose of the rezoning is to allow for the expansion of The Seafood Pot restaurant, specifically to accommodate more parking and storage. The current R-1A zoning does not permit the proposed plans for the restaurant.

The proposed rezoning to C-2 would meet the first and second rezoning guidelines, as it is compatible with the Future Land Use designation of the Comprehensive Plan, is not a spot zone due to being an expansion of existing C-2 zoning, and other C-2 uses permitted and capable of developing on the site would not be incompatible with existing neighborhood character nor overburden public facilities.

If the rezoning is approved and the lot developed as planned, there are other processes and requirements which would need to be met. A subdivision should occur to combine the lots to be used for the restaurant. Regarding site design, some landscaping will likely be required; most significantly, a 10 foot wide, fenced, and landscaped buffer will be required along the rear property line, where a conflict with the adjacent single-family residence occurs.

DEPARTMENT RECOMMENDATION

Approved, based on meeting the 1st and 3rd rezoning guidelines