

(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.

#### **Appendix A. Section IV.**

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
  - a. Required yards and open space
  - b. Ingress and egress to property
  - c. Parking and loading areas
  - d. Location of garbage facilities
  - e. Landscaping, buffering, and screening
  - f. Signage
  - g. Height and bulk of structures
  - h. Location and direction of site lighting

#### **Appendix A. Section IV. Waiver to zoning regulations for special permit uses.**

- a. Should the Planning and Zoning Director find that the literal enforcement of one (1) or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, the application may be forwarded to the Planning Commission to request a waiver with a supporting resolution from the Parish Council.
- b. Financial hardships shall not be considered as valid criteria for any such waiver to existing regulations.
- c. Any application for special permit which contains a request for a waiver shall contain a specific reference to the request and state the reasons that the request be granted.
- d. The Planning Commission, with a supporting resolution of the Parish Council, may grant a waiver to these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

<b>SPU CRITERIA COMPLIANCE</b>
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The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan*  
 The Comprehensive Plan designates this site for General Commercial Development, which aims to “provide a mix of business activities” and is “*applied to most commercial uses that are permitted in the C-2 and all of the uses permitted in the C-3 zoning districts*”. **Complies**
2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* The requested expansion would not make the site incompatible with abutting sites. **Complies**
3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* No changes proposed for the existing parking and loading facilities approved under the original Special Permit. The application does not show an increase in seating capacity that would increase required parking, nor does it show additional site lighting. **Complies**
4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.* The primary changes proposed for the existing business will expand food services. Many restaurants exist along this stretch of Hwy. 90 and this change will not

create unfavorable impacts effecting abutting sites any greater than other uses permitted in the C-3 zoning district. **Complies**

5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* Changes to the site must be compliant with requirements and ordinances addressing the impacts detailed above. **Many of these items are assessed by separate departments during the permitting phase. Regarding noise, the department has no record of complaints on this property from adjacent residences.**
6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*
- a. *Required yards and open space;* the main structure is compliant with C-3 setbacks and it will remain in compliance. The new structure will need to be compliant with C-3 setbacks which require 20 feet from the Williams Street side and 5 feet from the interior lot line. The submitted site plan shows new 30' x 14' structure meeting the required setbacks. The application indicates that the building may be smaller and the orientation may change, but regardless, the structure must meet the required setbacks.
  - b. *Ingress and egress to property;* ingress/egress facilities exist providing access from Hwy. 90 and no changes are proposed.
  - c. *Parking and loading areas;* parking exists on site and was approved under the original special permit use. Changes being made to the site will not create an increase in required parking.
  - d. *Location of garbage facilities;* garbage facilities exist on site and are not expected to be expanded or relocated.
  - e. *Landscaping, buffering, and screening;* landscaping exists on the site, no new landscaping is proposed or required.
  - f. *Signage;* the applicant has stated a new sign will be placed near Hwy. 90 in the future. Any new free-standing sign will require a separate review under and submission of a sign permit.
  - g. *Height and bulk of structures;* as previously highlighted, the existing building meets required setbacks for the C-3 district and the new structure must meet these setbacks as well. The site plan shows the new structure measuring 30' x 14' and being the require 20 feet from the Williams Street property line and 5 feet from the side property line which would be in compliance with setbacks.
  - h. *Location and direction of site lighting;* any sight lighting exists and no changes are proposed.

**ANALYSIS**

The Special Permit Use (SPU) requested is for the expansion of a barroom use in a C-3 zoning district. The work includes renovating office space for a new kitchen and walk-in cooler plus a new detached structure for a prepping, cooking, and mixing. The existing daiquiri shop was approved in 2006, and expansion requires approval through the SPU process.

Based on the information provided, this expansion will not cause an increase in the existing seating capacity and will not cause an increase in required parking, and the applicant does not propose changes to parking, loading, site lighting, or landscaping. The applicant proposes new signage which can be permitted without review in a Special Permit (through the sign permit process).

The required setbacks for the new building are 5-feet from side property lines and 20-feet from the property line on Williams Street. The submitted site plan shows the new structure in compliance with the setbacks.

Due to the addition of new kitchen facilities and an expansion of food services, this proposal will require approvals from the State Fire Marshal and the Department of Health. These approvals are required as part of the permitting phase.

**DEPARTMENT RECOMMENDATION**

**Approval with the stipulation that minor adjustments to the submitted site plan can be approved through the building permit process.**