



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2023-2-R

APPLICATION INFORMATION

- **Submittal Date:** 1/30/23
- **Applicant**
Ricardo Quiroz
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Kenner, LA 70065
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- **Property Owner**
Quinton Mayeux
116 Bayou Estates South Drive
Des Allemands, LA 70030
(504)-415-3042
- **Request**
Change of zoning from C-2, General Commercial District – Retail Sales to C-3, Highway Commercial District – Wholesale and Retail Sales

SITE INFORMATION

- **Location**
14910 Highway 90, Paradis; Lot 18, Block 23 & Lot A-2, Block 24, Townsite of Paradis
- **Size**
Approximately 27,050 sq. ft. (0.621 acres)
- **Current Use**
The site is vacant and cleared. Lot 18 was developed with a single family house until its recent demolition in 2021 (Permit 36117). Permit information could not be located for Lot A-2.
- **Surrounding Zoning**
C-2 zoning is located to the Highway 90, Early Street/Paradis Canal, and Robert Street sides; R-1A(M) zoning is located to the Early Street side.
- **Surrounding Uses**
Site-built single family homes are adjacent to the Paradis Canal side and rear; a manufactured home is adjacent to the Robert Street side; a retail store, office, and gas station are located to the front, across Highway 90.
- **Zoning History**
The C-2 district was established in 1981.
- **Future Land Use Recommendation**
Neighborhood Mixed Use – This category applies in areas appropriate for mixed walkable developments where the predominant use is residential, with a variety of housing types at varying densities, as well as compatible, local-serving commercial, retail, office and service uses.
- **Traffic Access**
Lots 18 and A-2 have a combined 186.49 ft. of frontage on Highway 90, where two driveway culverts exist to provide access.
- **Utilities**
Standard utilities are located along Highway 90, including Parish water and sewer facilities running across the front of the subject site.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and 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) Automobile 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) Automotive repair, minor and major
 - (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.
 - (11) Automobile Fleet Services: Examples include rental car facilities, overnight truck parking, dispatch locations, and any use related to the temporary or periodical parking of operative motor vehicles.
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, not withstanding 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: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
 - 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, also
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

REZONING GUIDELINE & CRITERIA EVALUATION

1. *The proposed rezoning conforms to the 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 subject site is within an area designated *Neighborhood Mixed-Use*, which primarily anticipates residential development of different types and densities that are supplemented by local-serving commercial uses (retail, office, service). The uses permitted in the proposed C-3 district, which includes storage, some fabrication/manufacturing, and trade shops, does not conform to this anticipated development pattern. The request is also a spot zone as it would create an isolated C-3 district within an established C-2 district that covers nearly the entirety of Highway 90 through Paradis. **The request does not meet 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 and the proposed zoning does.*

C-2 zoning permits neighborhood commercial uses like stores, restaurants, and offices, which would be reasonable uses of this property. This C-2 zone was established in 1981 and covers the majority of lots on Highway 90 from the Paradis Canal to Bayou Gauche Road. Seven rezoning requests have been approved within this stretch of Highway 90. Four resulted in expansions of the C-2 district (PZR 2006-04; 2006-08; 2006-10; 2013-02). The other three involved changes from C-2 to R-1AM (PZR-2019-04), CR-1 (PZR-1985-19), and most recently the first instance of C-3 (2022-11-R). Established C-3 zoning districts do exist nearby but are located beyond the boundaries of the Paradis Canal and Bayou Gauche Road and their proximity to residential uses is minimal. This zoning pattern shows an intent to limit the intensity of commercial uses where immediately adjacent to developed residential neighborhoods. **The request does not meet 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.*

Several uses permitted in the C-3 district would be incompatible with the surrounding neighborhood. Although Highway 90 is a four lane U.S. highway, through Paradis it acts as the main thoroughfare for a developed town with a grid network of streets serving approximately 1,280 residents in 770 households. And the reduced posted speeds, including a school zone, alludes to the lower intensity neighborhood oriented character along this portion of the highway. C-3 zoning and uses, which includes wholesale, warehousing, manufacturing and fabrication, and various trades are not compatible with the residential community of Paradis or with the neighborhood commercial found within this portion of the highway, which includes retail stores, restaurants, offices, gas stations, minor auto repair, and hotels. **The request does not meet the third guideline.**

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any of the rezoning criteria.

This request will be forwarded to the Parish Council for a second public hearing with the Planning Commission's recommendation.