

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: 2022-15-R

GENERAL INFORMATION

- ◆ Name/Address of Applicant

RaceTrac, Inc.
200 Galleria Parkway SE, Suite 900
Atlanta, GA 30339
(404)-405-9113; sgriffin@racetrac.com

for

Application Date: 9/13/2022

Lloyd Dufrene
102 Pleasant Valley Drive
Des Allemands, LA 70030
- ◆ Location of Site

SW corner of Highway 90 and WPA Road (LA 632), adjacent to 17235 Highway 90, Des Allemands.
- ◆ Requested Action

Change of zoning from O-L to C-3 on approximately 82,000 sq. ft. (1.8 acres) of a property designated as Lot 13-M-1 (portion of Lot 13, Coteau De France as per the deed).

SITE INFORMATION

- ◆ Size of Site

Lot 13-M-1 is 189,152 sq. ft. (4.342 acres)
- ◆ Current Zoning and Land Use

The site is split-zoned C-3 (approximately 107,000 sq. ft.) and O-L (approximately 82,000 sq. ft.). One mobile home occupies the site which is otherwise vacant and wooded.
- ◆ Surrounding Zoning and Land Use

C-3 zoning is located on three sides (Highway 90, WPA Road, and Roys Lane); O-L is adjacent to the rear.

The site is a corner lot within the Highway 90 commercial corridor in Des Allemands. Uses in the area include a dollar store and a bank across Highway 90; a commercial shopping mall with a grocer and a hardware store are adjacent on the southwest or right side along Highway 90; to the rear of the shopping mall a single-family house is also adjacent on the southwest or right side behind; the property across WPA Road contains vacant agricultural structures that appear to be unused; the property adjacent to the southeast or left along WPA Road is vacant, wooded, and makes up a portion of the wetland mitigation bank.
- ◆ Zoning History

The C-3 and O-L districts were established in 1981.
- ◆ Future Land Use Recommendation

Mixed Use Corridor: St. Charles Parish has several corridors which have become, or have the potential to become, mixed use corridor activity centers. The following corridors have been identified in this Comprehensive Plan as warranting this designation. Others may be identified in future updates. Mixed Use Corridors will be implemented through the adoption of “special character” overlay zoning districts, and may include particular use mixes and densities (consistent with the FLUM), and distinct standards or guidelines for private development, public realm / urban design, and/or architectural design.
- ◆ Traffic Access

The site has 353 ft. of frontage on Highway 90 and 513 ft. of frontage on WPA Road (LA632). Development is subject to the traffic impact analysis requirements of Chapter 6 of the Code of Ordinances (Section 6-14.(n).)

◆ **Utilities**

Representatives of the Departments of Waterworks and Public Works/Wastewater did not offer any objections or concerns on the proposed rezoning.

The developer is working with the Director of Wastewater to establish a servitude in favor of the Parish for a sewer lift station located on the 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 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 two or more of the following criteria are met:

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 Future Land Use designation for the site is Commercial and it is within a Mixed Use Corridor. This recommends a mix of development types within “activity centers”, and includes uses permitted in the commercial zoning districts. The proposed expansion of the C-3 zoning district to encompass the lot conforms with this designation and is not spot zone. **The request meets 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.* Although the land use pattern in the area has not changed since 1981, the property is split-zoned C-3 and O-L in such a way that the existing zoning does not allow reasonable use of the property. The split-zoning is as follows:
 - Approximately 57% (107,000 sq. ft.) is C-3; 43% (82,000 sq. ft.) is O-L.
 - Approximately 72% (1,147 ft.) of the frontage is C-3; 28% (430 ft.) is O-L.With the majority of the lot and frontage zoned C-3, the O-L limits development potential of the site and should be eliminated. **The request meets 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.* The commercial corridor in Des Allemands is located along U.S. Highway 90 right-of-way ranging from 250-290 ft. in width and featuring high travel speeds. This corridor is zoned C-3 for approximately 3,000 ft. between the Highway 90/LA631 split to the foot of the Des Allemands Bridge. While developed with commercial uses typically permitted at a neighborhood scale in C-2 zoning districts, including a grocery store, a hardware store, a bank, general offices, and a convenience store/gas station, the highway corridor itself as described above is not conducive to a true neighborhood scale commercial character. While some of the heavier C-3, Highway Commercial uses might not be compatible with these neighborhood scale commercial uses, they are compatible with the character expected along the wider and sparsely developed portions of the Highway 90 right-of-way. **The request meets the third guideline.**

ANALYSIS

The applicant requests rezoning from O-L to C-3 on approximately 82,000 sq. ft. (1.8 acres) of Lot 13-M-1 at the intersection of U.S. Highway 90 and WPA Road (LA 632). The change would eliminate a split-zone by expanding a C-3 zoning district on a divided four-lane highway corridor.

The request meets all of the guidelines for rezoning as detailed in the previous section.

The proposed C-3 district conforms to both the underlying Commercial future Land Use designation and the Mixed Use Corridor. As an expansion of an existing C-3 zone, it would not create a spot zone. The current split zone deprives the applicant of reasonable use of a portion of the property, and eliminating the split-zoning to make the entire lot C-3 is unlikely to lead to development that would be incompatible with the existing highway corridor development.

DEPARTMENT RECOMMENDATION

Approval.

***This request will be forwarded to the Parish Council for consideration with the Planning Commission’s recommendation.**