

**St. Charles Parish
Department of Planning & Zoning**

LAND USE REPORT
CASE NUMBER: PZR-2017-07

GENERAL APPLICATION INFORMATION

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| <p>◆ Name/Address of Applicant
 Bruce Bourgeois for BMB Real Estate, LLC
 PO Drawer 339
 St. Rose, LA 70080
 504.469.1272; bruce@qualityfab.com</p> | <p>Application Date: 2/10/17</p> |
| <p>◆ Location of Site
 Parcel D-2A-1 of Fairview Plantation, 10390 Airline Drive, St. Rose</p> | |
| <p>◆ Requested Action
 Resubdivision into two lots, D-2A-1, approximately 32,000 square feet, and a large remainder, Parcel D-2A-2, approximately 49.2 acres.</p> | |

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Parcel D2-A is approximately 50 acres; each proposed parcel exceeds the minimum width and square footage for the M-1 zoning district (and the C-3 zoning district proposed for Lot D-2A-1)
- ◆ **Current Zoning and Land Use**
M-1 zoning. The property occasionally hosts sport events.
- ◆ **Surrounding Zoning and Land Uses**
Adjacent to the east or right, property is zoned C-3 and M-1. The C-3 lot is developed with a diner, the area zoned M-1 is developed with a golf driving range with restaurant and light industrial uses. To the south or across Airline, property is zoned C-3 and M-1 and developed with light industrial uses. To the west or left, and north, or behind, is the Parcel the lot was resubdivided from; it is zoned M-1 and vacant of structures, but may have some sporting activities.
- ◆ **Plan 2030 Recommendation**
Light Industrial This designation includes such uses as warehouses and distribution activities, as well as office uses, repair facilities, light assembly and light manufacturing activities that do not involve emissions of odors, dust, fumes or excessive noise, consistent with the uses in the M-1 Light Manufacturing and Industrial zoning district.
- ◆ **Traffic Access**
Proposed Parcel D-2A-1 has 125' +/- of frontage on Airline Drive, a five lane federal highway.

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.

AND

Zoning Ordinance, Section VI. C. [IV.] C-3 Highway Commercial

[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 [RESTAURANT IS A PERMITTED USE IN C2]
 - (2) Commercial auditoriums, coliseums or convention halls
 - (3) Retail manufacturing
 - (4) Motor vehicle 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) Motor vehicle repair
 - (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 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.
2. Spatial Requirements:
 - a. Minimum lot size: Seven thousand (7,000) square feet, min 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, 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.
- [V.] Prohibited use: Medical waste storage, treatment or disposal facilities.

ANALYSIS

The applicant requests an expansion of an existing C-3 zoning district to encompass a 32,000 square foot lot (PZS 2017-14 is a companion application to create the lot); approval would change the zoning district on the lot from M-1, Light Industrial to C-3, Highway Commercial. The lot exceeds the area requirement for the C-3 zoning district.

The St. Charles Parish Zoning Ordinance establishes three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines.

The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood. As an expansion of an existing C-3 zoning district, the request would not create a spot zone, however, the Future Land Use designation for the property is Light Industrial, which does not correspond to the uses permitted in the C-3 zoning district. **The request fails the first guideline.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point where the existing zoning no longer allows reasonable use of the subject property. The subject site is zoned M-1 and although it was recently resubdivided with the intent of developing a fast food restaurant, the lot meets the spatial requirements for the M-1 zoning district and could be developed with an M-1 use. The M-1 zoning does not deprive the property of reasonable use. **The request fails the second guideline.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character and will not overburden existing public infrastructure. The applicant states that he proposed restaurant fits with the existing development in the area. While a fast food restaurant may be dwarfed by the light industrial buildings and sites with outdoor storage and activities in the area, it will provide a better mix of commercial food options for workers and customers on the corridor. Representatives of Waterworks and DPW/Drainage indicate that infrastructure is sufficient to serve the proposed use. Representatives of Wastewater indicate that although the frontage of the property appears to be a sewer "skip" area, a private service line can be installed to run from the property to the nearest location with community sewer provided it is developed with a private sewer lift station. The developer is working with Wastewater to determine the best design. **The request meets the third guideline.**

It should be noted prior to the adoption of *St. Charles Parish 2030*, in 2011, several **C-2** uses were permitted on this portion of the Airline corridor in the M-1 zoning district: three restaurants and a hotel. Another hotel and restaurant were developed on properties on the corridor that were down-zoned to C-2 or C-3 prior to permitting (PZR 2006-14 & 2010-09). Reports in each of those cases state that the rezone was requested by the developer in order to reduce the required side or rear yards, suggesting that the use would have been permitted, but the developers would benefit from the smaller C-2 and C-3 yards (M-1 zoning requires 25' front yard, 1' sides and 25'

rear: C-3 requires 20' front, 5 sides, and 10' rear). Restaurants and hotels are specifically listed as a permitted use in the C-2 zoning district; all uses permitted in the C-2 zoning district are permitted in the C-3 zoning district; however, the C-2 uses permitted in the C-3 zoning district are *specifically omitted*, from the M-1 zoning district. The current interpretation is that C-2 uses cannot be permitted in the M-1 zoning district. St. Charles Parish 2030 recommends that we "Review, strengthen, and adjust the list of permitted uses in the existing C-1, C-2, and C-3 (Commercial) district to be consistent with the intent of the General Commercial and Neighborhood Commercial future land use categories" (LU 1.6, p. 167). The work should also entail a review of M-1 zoning and Light Industrial Future Land Use categories to be able to develop Light Industrial areas with land uses that offer workers the types of things they need during the work day.

DEPARTMENT RECOMMENDATIONS

Approval.