



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-13-R

APPLICATION INFORMATION

- **Submittal Date:** 5/8/24
- **Applicant / Property Owner**
Richard D. Whitney, Jr.
Whitney Properties VII, LLC
14471 River Road
Hahnville, LA 70057
504.430.3600; rdw2@wpm.holdings
- **Request**
Change of zoning:
 - Current - C-2, General Commercial District – Retail Sales
 - Proposed - C-3, Highway Commercial District - Wholesale and Retail Sales

SITE INFORMATION

- **Location**
Lots 1B-1 and 1B-2, Block J, Ellington Gardens; 207 & 211 Angus Drive, Luling.
- **Size:** 80,573.64 sq. ft. (1.849 acres)
- **Current Use**
This is the former site of the Ellington Swim Club, with Lot 1B-1 containing the outdoor swim facilities and Lot 1B-2 the indoor facility and tennis courts. The club is no longer in operation and the pool has been filled. An unpermitted U-Haul Rental site with truck storage occupies the property.
- **Surrounding Zoning**
MS, Medical Service zoning is located to the Milling Avenue and Courville Drive sides; R-1A is located to the Angus Drive and Sugarhouse Road sides.
- **Surrounding Uses**
The neighborhood consists of various institutional uses, including the St. Charles Parish Hospital and surrounding medical facilities, Luling Elementary School, and St. Anthony of Padua Church. A large undeveloped property is directly across Angus Drive.
- **Zoning History**
The subject site was originally zoned R-1A, but rezoned to the current C-2 in 2016 (PZR-2016-04; Ord. 16-4-7).
- **Future Land Use Recommendation**
Town Center: Mixed-use development concentrated around employment uses. Uses include retail, office, services, restaurants, and residential. The town centers are envisioned as walkable districts and are anticipated to range in scale and density. The highest density uses and activity would take place near high access major corridors.

Recommended Zoning Districts: Mix of R-2 (two-family residential), R-3 (multi-family residential), CR-1 (residential/commercial transitional), C-1 (general commercial office), C-2 (general commercial retail)
- **Flood Zone & Minimum Building Elevation**
1992 Flood Insurance Rate Map: X Zone
2013 Digital Flood Insurance Rate Map: AE4

▪ **Traffic Access**

Lots 1B-1 is a corner lot with 207.73 ft. of frontage on Milling Avenue and 147.50 ft. of frontage on Angus Drive. It does not have a dedicated, paved driveway.

Lot 1B-2 has 171.65 ft. of frontage on Angus Drive and is developed with a 20 ft. wide driveway leading to parking on the repurposed tennis courts.

▪ **Utilities**

Per the Parish GIS Angus Drive is improved with sewer and water facilities. Milling Avenue is improved with water facilities.

No objections have been received from representatives of Public Works, Wastewater or Waterworks.

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, 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 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 in an area designated *Town Center*, which primarily anticipates a walkable neighborhood with a mix of higher density residential and commercial uses focused around employment centers. This type of development pattern could be achieved through the recommended R-2, R-3, CR-1, C-1, and C-2 zoning districts. C-3 is excluded from the list of recommended districts as it does not permit the type of uses that may foster a walkable, mixed use development pattern. The request can also be considered a spot zone as it is limited to two lots totaling 1.8 acres, does not expand on an existing C-3 district or add to C-3 zoning in the immediate vicinity, and would be incompatible with the neighborhood and the goals of the Comprehensive Plan. **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.*

The existing C-2 zoning district was established through a rezoning from R-1A in 2016 (PZR-2016-04; Ord. 16-4-7), and allows for reasonable use of the subject site. A wide range of uses may be permitted under C-2 zoning. A variety of commercial uses are permitted by right (shops, restaurants, personal service, offices, etc.), and residential or higher intensity commercial uses may be permitted upon approval as Special Permit Uses (SPU). Reviewing those higher intensity commercial uses typically found

under C-3 zoning as SPUs is also an advantage of the C-2 district. The impacts from those uses on the surrounding area can be mitigated and monitored with stipulations attached to an SPU approval. **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.*

C-3 uses, which includes wholesale, warehousing, manufacturing/fabrication, and various trades are not compatible with the existing neighborhood, which is developed with an elementary school, religious institution, and various medical facilities. Additionally, the transportation requirements detailed under the C-3 district calls for arterial streets (highways). Angus Drive and Milling Avenue are considered collector and local streets respectively and are not appropriate for the type of traffic generated by C-3 uses. **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.