

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZS-2012-12**

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Date of Application: 9/27/12**  
Joseph V. Medina  
P.O. Box 585  
Luling, LA 70070  
**985.785.8738**
  
- ◆ **Location of Site:**  
407 Ellington Street, Luling
  
- ◆ **Requested Action:**  
Rezoning from R-1A to CR-1
  
- ◆ **Purpose of Requested Action:**  
Relocate existing small business (cobbler shop)

### SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:**  
50' x 150'
  
- ◆ **Existing Land Use:**  
Vacant warehouse.
  
- ◆ **Existing Zoning:**  
R-1A
  
- ◆ **Surrounding Land Uses and Zoning:**  
R-1A zoning and land use abuts the side and rear; C-2 zoning and land use across street.
  
- ◆ **St. Charles Parish 2030 Comprehensive Plan Future Land Use Map Compatibility:**  
The Future Land Use Map lists the entire area as Mixed-Use Corridor
  
- ◆ **Utilities:**  
Standard utilities serve the site.
  
- ◆ **Floodplain Information:**  
X; non flood hazard area.
  
- ◆ **Traffic Access:**  
Ellington Street.

### APPLICABLE REGULATIONS

#### Appendix A. Zoning Ordinance, Section VI. Zoning District Criteria and Regulations

#### **C. [L.]CR-1 Residential/Commercial Transitional**

##### 1. Use Regulations:

##### a. A building or land shall be used only for the following purposes:

- (1) Office buildings, provided that no goods, wares or merchandise shall be prepared or sold on the premises. Office buildings in this district cannot service gambling operations. (Ord. No. 94-1-9, § I, 1-10-94)
- (2) Branch banks and branch savings and loan associations.
- (3) Personal service shops such as beauty shops and barber shops, small schools or studios such as arts and craft schools, conducted by resident members of families provided that no goods or merchandise, except those needed for instruction purposes, or offered for purchase

by students only; and, provided that such use shall not occupy more than five hundred (500) square feet of floor area.

(4) Studios of artists and photographers.

(5) Antique shops not to exceed five hundred (500) square feet of floor area with no goods or merchandise to be stored or displayed outside the building.

(6) Parking lots, provided that the parking area shall be used for passenger vehicles only and in no case for sales, repair work, storage, dismantling, or servicing of any vehicles, equipment, materials, or supplies; no signs or advertising of any character except traffic directional signs painted on pavement shall be allowed; the parking area and connecting driveways shall be surfaced with concrete, asphaltic concrete asphalt, or any other type of permanent, dust-free paving and the parking area and connecting driveways shall be maintained in good condition and free of all weeds, dust, trash, and other debris. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from the adjacent residential district. Required front yards shall be landscaped and maintained in good condition.

(7) Professional and sub-professional offices, including doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance, and other similar uses not involving the sale of merchandise.

b. Special exception uses and structures: As approved by the Planning Commission.

c. Special permit uses and structures:

(1) All uses allowed in an R-1A Zoning District, upon review by the Planning Commission.

(2) Multifamily dwellings, including duplexes, apartments, apartment houses, townhouses, condominiums, boarding, and lodging houses, upon review by the Planning Commission and supporting resolution of the Council.

*(Ord. No. 92-9-14, 9-8-92)*

2. Spatial Requirements: See respective uses under C-1a.

a. Minimum lot sizes: Six thousand (6,000) square feet; minimum width - sixty (60) feet. (Ord. No. 86-9-25, 9-22-86)

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.(Ord. No. 08-8-9, § Ix, 8-18-08)

3. Transportation System Requirement: None.

4. Special Provisions:

a. Where any commercial use in a CR-1 zoning district (CR-1) abuts any residential zoning 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.

*(Ord. No. 82-6-9, § III, 6-7-82; Ord. No. 98-1-3 § I, 1-5-98)*

**AND**

### **Appendix A. Section IV.9:**

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
  - a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
  - a. Undue congestion of streets and traffic access.
  - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
  - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
  - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
  - a. It is not capricious or arbitrary in nature or intent.
  - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
  - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
  - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

### **ANALYSIS**

This request would rezone the subject site from R-1A to CR-1. The subject site is situated in a block of property that lies south of the Union Pacific Railroad between an area of C-2 and M-1 zoning. Property to the west of the subject site, across Ellington Avenue is zoned C-2, Commercial, and is developed with the Entergy office. The Parish Westbank Water Plant is located approximately 150-feet to the east of the subject site on property zoned M-1, Light Industrial. The Parish Wastewater Utility Yard is situated approximately 100-feet to the north of the subject site. Most of the homes surrounding the site are also owned by the applicant. In previous years the building has had several non-residential uses in legal nonconforming status. But because it has been vacant for longer than 6 months, the legal non-conforming status has ceased. The property is developed with a vacant warehouse. The applicant has expressed intent to develop the property with a cobbler shop.

Local law requires rezoning proposals to meet all of the guidelines of at least one of the three criteria headings listed in Applicable Regulations (above). **This application meets the second criteria** for the following reasons.

The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare. Since the property has historically been used for a variety of light commercial purposes, the anticipated impact associated with the future development of the property should not create overcrowding of public facilities or undue traffic congestion. The site is large enough to accommodate necessary vehicular access and required off street parking. Due to the commercial nature of the existing building and the anticipated neighborhood service use, the proposed zoning will be compatible with the existing character and usage in the neighborhood and in the general vicinity.

CR-1 zoning is meant to act as a transitional zoning district. Therefore, the allowable land uses in are slightly more intensive than single-family residential and tend to be neighborhood serving in nature. This type of zoning district within a residential area complements the intent of the mixed use corridor land use designation set forth in the Future Land Use Map.

### **DEPARTMENTAL RECOMMENDATION**

**Approval.**