

St. Charles Parish
Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR 2014-18

GENERAL APPLICATION INFORMATION

- | | |
|---|----------------------------------|
| ◆ Name/Address of Applicant:
Alvin Guillard
1232 E Harding Street
Destrehan, LA 70047
504.377.6595
quartermen@yahoo.com | Application Date: 10/8/14 |
| ◆ Location of Site:
Lots 16-A of Square 79 of New Sarpy Subdivision (formerly lots 16-22) | |
| ◆ Requested action
Change of zoning from OL to C-2 on 11,200 sq ft lot | |
| ◆ Purpose of Requested Action
This property was permitted for clearing and filling by the Army Corps of Engineers in in 2011 (Permit No. MVN 2009-3151-EPP). That permit indicates a commercial storage building as the proposed use. The current rezoning request indicates a reception hall as the proposed use; however, with only 11,200 square feet and with no community sewer, it's unlikely this property can be developed for a reception hall. The applicant owns several properties in the area and has indicated that another property may be more suitable for a reception hall. | |

SITE – SPECIFIC INFORMATION

- ◆ **Size of parcel**
140' x 80' or 11,200 square feet
- ◆ **Existing Land Use and Zoning**
The site is currently OL; it is vacant but cleared and graded.
- ◆ **Surrounding Land Uses and Zoning**
The site is surrounded by OL zoning and vacant land that is wooded and likely wetland.
- ◆ **Traffic Access and parking**
The property has 140' of frontage on East Harding Street, a two lane Parish road with no shoulders. With 80' of depth, the area that could be developed for parking is limited—the maximum number of perpendicular parking stalls the site could accommodate is 33 (with no structures).
- ◆ **Future land use designation**
The future land use designation for this property is wetlands; however, the property was permitted for clearing and grading in 2011.

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, 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.

Appendix A, Zoning Ordinance, Section VI. C. [III] C-2 General commercial district:

[III.] C-2 General commercial district— Retail sales:

- 1. Use Regulations:
 - a. A building or land shall be used for the following purposes:
 - (1) All uses allowed in C-1 District. (Ord. No. 88-5-5, 5-16-88)
 - (2) Retail sales (except auto and mobile home sales), usage, and storage
 - (3) Hotels, motels and apartment hotels
 - (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
 - (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances.
 - (6) Animal hospitals where all animals are kept inside the building
 - (7) Service station
 - (8) Commercial recreation facilities
 - (9) Commercial greenhouses and nurseries
 - (10) Commercial schools
 - (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following: bicycles, radios, televisions, stereos and recorders, household appliances, locksmith, typewriters, other similar uses
 - (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses: dressmakers, millinery, tailors, baking goods sales, laundry and dry cleaners, theatres (but not the drive-in type)
 - (13) Laboratories
 - (14) Customary accessory uses incidental to the above uses when located on the same lot
 - (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
 - (16) Cemeteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district).
 - (19) Historic home site bed and breakfast. (Ord. No. 13-7-6, § II, 7-1-13)
 - b. Special exception uses and structures include the following:
 - (1) Dwelling units contained within the office building
 - (2) Reserved
 - (3) Reserved

- (4) Churches
- (5) Movie theaters
- (6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director. (Ord. No. 88-9-9, 9-6-88)
- c. Special permit uses and structures include the following:
 - (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.
 - (5) Heating and air conditioning service.
 - (6) Sheet metal shops
 - (7) Plumbing shops.
 - (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 St. Charles Parish Council.
- 2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) 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 Requirements: Arterial
- 4. Special Provisions:
 - a. Where any commercial use in a C-2 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.

ANALYSIS

New Sarpy Subdivision was platted in the 1920s as a large subdivision with predominantly 20’ wide x 80’ deep lots on small squares. The market drove the size of properties houses were built on, people bought as many lots as they rather than minimum lot sizes under the zoning ordinance. In 1981, the area was zoned C2 along River Road and R-1A(M) to the Canadian National Railroad. Soon after the 1981 zoning, the area was rezoned to R-1A at resident’s request.

The result is a built-out neighborhood with commercial uses along River Road, and predominantly site-built houses of varying sizes to the railroad. Eighteen squares were developed on the north side of the railroad and another 54 squares with 2144 lots were drawn on a plat indicated as “investment lots.” The streets that bounded the squares these investment lots are on were not built. The result is a large number of “paper lots” that have been sold to individual owners, but cannot be developed without the installation of infrastructure: streets, drainage, waterlines, sewer lines, gas, electricity, and telecommunications; further, most of these lots are wetlands. Owners of these lots inquire with Planning staff often about when infrastructure will be installed to permit them to build on their lots. The Parish has no plans to build streets or install infrastructure in this area. The Parish’s current subdivision regulations offer citizens some protection by prohibiting the sale of lots prior to development.

The Guillard family bought some of these paper lots in the 80s and built a single-family house. The only other development in the area at the time was a five building apartment complex on a large site. A nightclub was built adjacent to the housing complex sometime in the 80s.

In 1981, the comprehensive zoning ordinance created an R3 zoning district around the apartment complex and the rest of the paper lots were zoned OL. There have been four changes to commercial zoning in the area; three resulting in permitted construction. There have been three residential permits in the area since 1981:

- In 1986, ordinance 86-7-11 rezoned 11,800 sq. ft. of the R3 area to C2 to permit neighborhood commercial uses that were proposed to be a laundromat, dry cleaner, deli, game room, convenience store and hair salon. Department records do not indicate that these uses developed.
- In 1988, ordinance 88-3-15 rezoned 8,000 square feet around the existing lounge to permit renovation and expansion of it.
- In 2003, the applicant for this rezoning petitioned to change 14,400 square feet to C3 to build a commercial storage building (ordinance 03-6-7). At that time, the Parish had occupied much of the area zoned R3 with a laydown yard.
- In 2007, ordinance 07-5-5 rezoned 43,200 square feet of property owned by a religious institution that had some buildings on the site and wished to expand. While the expansion could have been permitted under the OL zone, the change to C2 increased the buildable area for the church (C2 has smaller minimum yard sizes than OL).

The Planning Department recommended approval of every one of those rezoning requests. The result is that this section of East Harding Street in is sparsely developed with low-intensity uses that do not generate steady traffic and that are served by individual utilities (sewer in particular, but drainage is also not developed in this area as a complete system).

While this request could be considered a spot zone, it appears that zoning *precedent* on these investment lots is to recognize a property owner’s efforts to permit and complete clearing, filling and grading and approve rezoning when that difficult work is complete. For that reason **the request meets all the criteria of the third test**, which is designed to ensure that a proposed zoning change is in keeping with zoning law and precedent.

Considering the history of these investment lots and of zoning changes in the area, granting this request would not be capricious or arbitrary in nature or intent. Likewise, rezoning this property would not create a monopoly, or limit the value or usefulness of neighboring properties, particularly because owners of these investment lots inquire often about when development will occur in the area; owners of these investment lots appear to hope to see development in the area which further suggests granting the request would not adversely affect the reliance that neighboring property owners or occupants have placed upon existing OL zoning. While granting the request will *look* like a spot of C2 in an OL zone, the peculiar nature and history of these lots is that ad hoc development is what’s likely to occur.

DEPARTMENT RECOMMENDATIONS
<u>Approval.</u>