

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2019-2-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 2/5/19**  
William Sigmon  
Outcast Marine, Inc  
16780 Hwy. 90  
Des Allemands, LA 70030  
(985)-758-6044; outcastmarinela@gmail.com
- ◆ **Location of Site**  
Lots WC-1 and A, Block 55A, Coteau de France; 16780 Hwy. 90, Des Allemands
- ◆ **Requested Action**  
Rezoning of Lots WC-1 and A from R-1A(M) and C-2, General Commercial to C-3, Highway Commercial

### SITE INFORMATION

- ◆ **Size of Parcel**  
Lot WC-1 is 20,016 square feet, 100.08 feet wide on Highway 90.  
  
Lot A is 15,827 square feet, and has 20 feet of frontage on Norman Avenue.
- ◆ **Current Zoning and Land Use**  
Lot WC-1 is zoned C-2 and is developed with Outcast Marine, a boat repair shop. The zoning was changed from R-1A to C-2 in 2004 by ordinance No. 04-4-13 (PZR-2004-06). A special permit use application (PZSPU-2004-04) was submitted and approved concurrently with the above rezoning. Both the rezoning and special permit was for the purpose of permitting the existing boat repair shop.  
  
Lot A is zoned R-1A(M) and has two structures used for covered storage.
- ◆ **Surrounding Zoning and Land Use**  
R-1A(M) zoning abuts each side and rear; zoning across Highway 90 is R-1A; C-2 zoning is adjacent to the Norman Avenue side.  
  
Single-family residences, both site-built and manufactured homes are located adjacent on each side, to the rear, and to the front across Highway 90; a fabrication shop is adjacent to the Norman Avenue side.
- ◆ **Future Land Use Recommendation**  
General Commercial: Includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial–Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.  
  
Moderate Density Residential: (8 dwellings per gross acre and greater) This category includes single family detached dwellings developed consistent with the R-1AM zoning district; attached dwellings such as duplexes, patio / zero-lot line homes and townhomes consistent with the R-2 zoning district; multifamily housing developed consistent with the R-3 zoning district; and accessory units. Neighborhood-serving uses such as parks, churches, easements and ancillary neighborhood commercial uses permitted under the CR-1 zoning district or permitted subject to special exceptions or special permits.

◆ **Traffic Access**

Lot WC-1 has 100 feet of frontage on Highway. 90.

Lot A is an irregularly flag-shaped lot with 20 feet of frontage on Norman Avenue. It is also accessible through the building on adjacent lot WC-1.

◆ **Utilities**

Representatives of Public Works & Wastewater and Waterworks indicate existing utilities in the area can accommodate C-3 uses.

<b>APPLICABLE REGULATIONS</b>
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**IV.1 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) 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 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.
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.

[V.] Prohibited use: Medical waste storage, treatment or disposal facilities.

#### **Appendix A. 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.

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. and
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

<b>REZONING GUIDELINE EVALUATION</b>
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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.* Plan 2030 recommends *General Commercial* on Lot WC-1, which provides for commercial uses permitted in the C-2 and C-3 districts, and *Moderate Density Residential* on Lot A, which provides for residential uses of varying density and neighborhood commercial uses typical for the CR-1 zoning district. A change to C-3 zoning on Lot WC-1 would not conflict with the Future Land Use recommendations of the Comprehensive Plan; however, a change to C-3 on Lot A would.

Considering both lots together, the request is for a spot zone that is incompatible with existing, abutting residential uses. Permitting C-3 uses by right would extend privileges to this property that other lots in the area do not have. **The request fails 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.* The majority of lots fronting Highway 90 from JB Green Road to the Old Highway 90 split are in single-family residential use and have been for many years. Ten lots on that span of Highway 90 are zoned C-2 and of those, seven (7) appear to be in residential use in spite of the C-2 zoning. With over 330 households in the area between J B Green Road and Wenger Road, the C-2 zoning reasonably permits neighborhood commercial uses that could support the neighborhood. The current C-2 zoning does not prevent reasonable use of the property. **The request fails 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.* Representatives from Waterworks and Public Works & Wastewater indicated utilities exist to adequately serve the site and the uses permitted in the C-3 zoning district. However, the site is congested with boats in the parking area and front yard which have displaced employee parking and often impedes the driveways. The site is difficult to access safely for customers, employees, delivery trucks, and service providers. C-3 zoning would allow more intense use of the property which may affect traffic circulation. The current C-2 zoning along with the confines of the Special Permit Use process ensure that neighborhood compatibility is maintained through the applicant's proposed expansion efforts as stated in their application. This is especially relevant considering the layout of the properties and their proximity to existing residential homes.

A C-3 spot zone would be incompatible with the existing neighborhood which is largely residential even along Highway 90. **The request fails the third criteria.**

## **ANALYSIS**

The applicant requests a change of zoning from C-2, General Commercial and R-1A(M), Single Family Residential-Mobile/Manufactured Homes to C-3, Highway Commercial on two lots (WC-1 and A), a total area of approximately 35,443 square feet. The lot fronting Highway 90 is developed with an approximately 6,800 square foot building and concreted front for Outcast Marine; the lot accessible from Norman Avenue is developed with a gravel drive that passes between two dwellings and curves to reach the backyard of the Outcast Marine site developed with two large canopies providing covered storage.

The area that comprises Lot WC-1, the front lot, was rezoned from R-1A to C-2 in April 2004. The applicant submitted a companion application for a Special Permit for a repair shop—for boats. This was considered comparable to automotive repair and was approved. Shortly after the rezone and Special Permit were granted, the current applicants purchased the property, resubdivided it into Lot WC-1 and permitted the existing building (PZS 2005-34 and permit 18344). They began operating Outcast Marine with the stipulation that airboats could not run at the site. They requested a rezone to C-3 in 2007, which was withdrawn from consideration by the Planning Commission (PZR 2007-16) at the applicant's request. In 2008, the owners purchased Lot A, the flag-shaped lot with 20 feet of frontage on Norman Avenue. There are two large metal canopies on Lot A (R-1AM) today.

The request does not meet any of the guidelines for rezoning. The current C-2 zoning allows for reasonable use of Lot WC-1 and R-1AM zoning allows for reasonable use of Lot A. Rezoning to C-3 would permit uses that are not compatible with the existing neighborhood. This area is largely single-family residential, with some C-2 zoning to provide neighborhood services. While the uses permitted in the C-3 zoning district would not overburden utilities, the current use of the lot causes congestion that prevents safe circulation of vehicles and pedestrians on and around the site. C-3 uses would be incompatible with the development pattern in the surrounding neighborhood. The current C-2 zoning along with the conditions of the Special Permit Use process provide more appropriate protections to the neighborhood than the by-right uses of the C-3 zoning.

If approved, an update to the future land use map is not required as the site is less than three (3) acres.

## **DEPARTMENT RECOMMENDATION**

**Denial, due to not meeting any of the three rezoning criteria**