



## Department of Planning & Zoning Staff Report – Special Permit Use Case No. 2023-6-SPU

### APPLICATION INFORMATION

- **Applicant / Property Owner**  
Khawaja Omer  
64 Emile Ave  
Kenner, LA 70065  
504.478.5419  
rawaha2001@yahoo.com
- **Property Owner**  
Mohamed Nabut  
Nabut Brothers, LLC  
P.O. Box 1045  
Hahnville, LA 70057
- **Request**  
Automobile sales in C-2 zoning

### SITE INFORMATION

- **Location**  
Lot 1, Autin Subdivision; 16830 Hwy 90, Des Allemands
- **Size of Site**  
10,446.6 sq. ft.
- **Current Zoning and Land Use**  
C-2, General Commercial District.

The property is improved with a commercial building and associated parking lot. A portion of the commercial building was approved for R-1A use in 2012 (PZSPU-2012-05).

- If the R-1A use has ceased for a period of six (6) months, the SPU approval is expired and R-1A use is no longer permitted.

- **Surrounding Zoning and Land Use**  
R-1A(M) is adjacent to each side and to the rear; R-1A is located across Highway 90.

Surrounding land uses consist single family dwellings.

- **Future Land Use Recommendation**  
*Commercial: This category includes single-use commercial, retail, office and service uses. Commercial areas should seek to strengthen existing retail and service uses, encourage the introduction of new uses, and introduce complementary adjoining uses such as public facilities and moderate-density residential, to reinforce the retail base and support the continued health of these uses. Commercial uses must be consistent with the surrounding area and compatible with adjacent uses.*

- **Flood Zone & Minimum Building Elevation**  
1992 Flood Insurance Rate Map: X Zone  
2013 Digital Flood Insurance Rate Map: AE +5

Minimum building elevation is +6 feet.

- **Traffic Access**  
This site is a corner lot with frontage on Highway 90 and Autin Lane. Access is provided via a driveway from Highway 90, and the entire length of the parking lot can be access from Autin Lane.
- **Utilities**  
Standard utilities are available on Highway 90 and Autin Lane.

## APPLICABLE REGULATIONS

### Appendix A. Section VI. – Zoning District Criteria and Regulations

[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.
    - (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    - (4) [Repealed by Ord.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.
  - 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.
  - 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) **Automobile sales and minor automotive 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.

**Appendix A. Section IV.**

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
  - a. Required yards and open space
  - b. Ingress and egress to property
  - c. Parking and loading areas
  - d. Location of garbage facilities
  - e. Landscaping, buffering, and screening
  - f. Signage
  - g. Height and bulk of structures
  - h. Location and direction of site lighting

<b>SPU CRITERIA COMPLIANCE</b>
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The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan.* The site is designated as Commercial on the Comprehensive Plan’s Future Land Use Map. Automobile sales is consistent with this designation. **Complies**
2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* The surrounding area is comprised almost entirely of residential uses. More specifically residential zoning and uses abut this commercially zoned and developed site on each side. As a result it cannot be said that the commercial use of this site is compatible with the surrounding residential uses. But the question of compatibility would be more applicable if this was a map amendment that would introduce commercial zoning within a residential district for a new commercial development. In this case the site has been zoned for commercial use since at least 1981 and has been developed for commercial purposes for some time. With the site already zoned C-2 there are uses permitted by right which would have the same question of compatibility. Additionally, the site has frontage on and driveway access to Highway 90 where commercial development to some degree should be expected. **N/A**
3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* Used automobile sales require five (5) spaces plus one (1) space per employee. The existing parking lot has enough area to accommodate the 6 to 7 required parking spaces while leaving room for approximately 9 to 11 vehicles on display for sale. Because required parking and traffic circulation elements will share the same space as vehicles on display for sale, all areas where vehicles will be parked or stored must meet the Parish’s Site Design Requirements for parking (Appendix A., Section VIII), specifically item B.4 which states “*Each parking space shall open directly upon an aisle or driveway which is connected to a street or alley by a paved driveway which affords ingress and egress for a vehicle without requiring another vehicle to be moved.*” The Department recommends restriping the parking area to clearly designate parking spaces and traffic circulation areas and ensure vehicles are parked or stored in a way that meets Site Design Requirements for parking. **Complies**
4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.* C-2 zoning

permits by right uses such as restaurants, offices, retail stores, gas stations, etc. Compared to a vehicle sales lot, these uses typically have longer hours of operation and are more frequently visited by the public, likely generating more traffic. A used car lot should not exceed those impacts expected uses permitted by right at this location. **Complies**

5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* The site is already developed and no other improvements are proposed as part of this request. Additional hazards and impacts are not expected. Any renovations needed for the interior space must be permitted and required building code review. **Complies**
6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*
  - a. *Required yards and open space.* No improvements are proposed affecting the existing building footprint. The current building does not meet C-2 zoning setback guidelines for the side yard and Autin Lane front side yard. **Complies**
  - b. *Ingress and egress to property.* The site is developed with a driveway providing ingress/egress from Highway 90, and the entire length of the parking lot is accessible through Autin Lane. **Complies**
  - c. *Parking and loading areas.* The proposed use requires five (5) spaces plus one (1) space per employee. The site is developed with a parking lot that can accommodate the required parking while leaving room for inventory on display. **The parking area should be arranged in a way that meets the Parish's Site Design Requirements for parking lots, as detailed under item 3 above.** **Complies**
  - d. *Location of garbage facilities.* **N/A**
  - e. *Landscaping, buffering, and screening.* A ten (10) foot planted buffer with a six (6) foot high solid fence would typically be required along the Murphy Lane side due to being adjacent to residential zoning, but the owner of the subject site also owns this adjacent, residentially zoned property. With this in mind, along with the property boundaries not allowing for the full 10 ft. buffer, the required buffer can be limited to the 6 ft. solid fence. **It should also be noted this commonly owned, residentially zoned property is not a part of this application and must be kept clear of any activity associated with the proposed car lot. If there is ever an intention to expand commercial activity into this abutting property, a rezoning would be required, and a full buffer would be required along the Murphy Lane side where directly abutting residential uses.** **Complies**
  - f. *Signage.* Signage is not proposed as part of this request. Any new signage would be reviewed as part of a sign permit application. **N/A**
  - g. *Height and bulk of structures.* The building is legally nonconforming and does not meet setback requirements for the C-2 district, specifically the side yard and the Autin Lane side front yard. But changes to the height and bulk of the structure's footprint are not proposed with this request nor are they required. **Complies**
  - h. *Location and direction of site lighting.* The site is developed and no changes to existing site lighting are proposed. **N/A**

## ANALYSIS

This request for a business conducting automobile sales used on Lot 1, Autin Subdivision, 16830 Highway 90, Des Allemands, meets the majority of the applicable review criteria as detailed in the previous section.

An automobile sales business conforms to the commercially developed site with frontage on Highway 90, and no significant improvements are proposed or required with this use.

The department does recommend attaching some stipulations/conditions to an approval, as detailed in the following section.

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval, with the following stipulations:**

- **A six (6) foot solid fence shall be installed along the Murphy Lane property line.**
- **The parking area should be striped to clearly mark parking, vehicular circulation areas, and inventory storage in conformance with Appendix A., Section VIII. – Site Design Requirements.**
- **Inventory on display for sale must be confined to the boundaries of the developed parking area and must not encroach into the Autin Lane right-of-way.**