



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-4-R

APPLICATION INFORMATION

- **Submittal Date:** 2/5/24
- **Applicant / Property Owner**
Bobby Gorman Sr.
St. Charles Recycling, Inc.
479 Carolyn Drive
Destrehan, LA 70047
504.316.5025; bobbygorman1487@yahoo.com
- **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**
Lot X-5-A, Sunset Drainage District; 15396 Highway 90, Paradis
- **Size:** approximately 14,877 sq. ft. (0.34 acres)
- **Current Use**
Lot X-5-A is developed with a metal commercial building.

Lot X-5 was developed by the previous owner with a 1,500 sq. ft. building used for warehousing/personal storage in 2003 (Permit No. 17255). Lots X-4 and X-5 were resubdivided into Lot X-5-A in 2004 (PZS-2004-39) and the building was expanded by 2,250 sq. ft. and into its current footprint in 2006 (Permit No. 19926).

The applicant acquired the property in January 2023 and as per the application is still used for storage.

- **Surrounding Zoning**
R-1A(M) zoning is located to the Highway 90 side; R-1A zoning is located to the Early Street side; C-2 zoning is adjacent to the Taylor Street side; C-3 zoning is located to the LA 306 side.
- **Surrounding Uses**
The St. John the Baptist Church is located across Highway 90; single-family houses are located on the opposite side of Early Street; multi-family residential and a large, undeveloped lot are adjacent to the Taylor Street side; a manufactured home is located across LA 306.
- **Zoning History**
The C-2 district was established in 1981.
- **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.

Recommended Zoning Districts: CR-1 (residential/commercial transitional), C-1 (commercial office) zoning, C-2 (general commercial retail), C-3 (highway commercial), MS (medical service), B-1 (batture, non-industrial)

▪ **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: X
2013 Digital Flood Insurance Rate Map: AE5

▪ **Traffic Access**

Lot X-5-A has 53.45 ft. of frontage on Highway 90, 60 ft. of frontage on Early Street, and 263.02 ft. of frontage on LA 306. Each frontage has driveway access, with those on LA 306 and Early Street consisting of aggregate material. The Highway 90 driveway is hard-surface.

▪ **Utilities**

Parish GIS shows water facilities along Highway 90, Early Street, and LA 306. Sewer facilities are shown on Early Street and LA 306. Significant drainage ditches are found along the Highway 90 and LA 306 sides.

The Department of Waterworks stated that they have no objections to the rezoning.

The Department of Public Works stated traffic impacts would need to be measured with increased intensity.

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 has a *Commercial* Future Land Use designation, under which C-3 is a recommended zoning district. While LA 306 marks a clear demarcation from C-2 to C-3 zoning, the request cannot be considered a spot zone. It would expand upon the existing C-3 district on the opposite side of LA 306, granting the subject site privileges shared by the property directly across the street. And as noted previously, it is in furtherance of the Comprehensive Plan. **The request meets 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 C-2 zone was established in 1981 and covers the majority of lots on Highway 90 from the Paradis Canal to LA 306. Eight zoning changes have been approved within this stretch of Highway 90:

- Four expanded the C-2 district (PZR 2006-04; 2006-08; 2006-10; 2013-02)
- Two rezoned C-2 to R-1AM (PZR-2019-04) and CR-1 (PZR-1985-19)

An established C-3 zoning district dating to 1981 is located across LA 306, but the properties under that district remained undeveloped.

C-2 zoning permits neighborhood commercial uses like stores, restaurants, and offices, which would be reasonable uses of this property. It also allows for Special Permit Uses (SPU) that are suited to this site and its improvements, including automobile sales and service, HVAC service, and sheet metal and plumbing shops. The permitting of uses with C-3 character/intensity as SPUs is also an advantage of the C-2 zoning as the negative impacts to the surrounding residential uses may be mitigated and monitored with stipulations attached to any 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.*

Several uses permitted in the C-3 district would be incompatible with the surrounding neighborhood, which includes single family and multi-family residential homes on Early Street. The nearest non-residential use are the offices for Phillips 66 catty-corner across LA 306. Although Highway 90 is a four lane U.S. highway, through Paradis it acts as the main thoroughfare for a developed town with a grid network of streets serving approximately 1,280 residents in 770 households. And the reduced posted speeds, including a school zone, alludes to the lower intensity neighborhood oriented character along this portion of the highway. C-3 zoning and uses, which includes wholesale, warehousing, manufacturing and fabrication, and various trades are not compatible with the residential community of Paradis or with the neighborhood commercial found within this portion of the highway, which includes retail stores, restaurants, offices, gas stations, minor auto repair, and hotels. **The request does not meet the third guideline.**

DEPARTMENT RECOMMENDATION

Denial, due to not meeting two of the three rezoning criteria.

This request will be forwarded with the Planning Commission's recommendation to the Parish Council for a second public hearing and final determination.