

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2016-11

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** 7/13/16
Cory Savoie
301 Maryland Drive
Luling, LA 70070
(985)-308-0704; barchief@cox.net

- ◆ **Location of Site**
Lots 3, 4, 5, 6, 7, 8, and B9, Block A, Mimosa Park Subdivision, Luling. Specifically the subject site is setback about 165 feet off of Highway 90 with frontage on the west side of Mimosa Avenue.

- ◆ **Requested Action**
Change of zoning from C-2, General Commercial and R-1A, Single Family Residential to C-3, Highway Commercial.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
The site is currently divided up into seven lots of various sizes but the entire site consists of approximately 31,600 square feet with 300 feet of frontage on Mimosa Ave. Due to the lot sizes varying some of the lots do not meet the minimum lot size requirements of the existing zoning district, but none of the lots meet the 7,000 square foot minimum lot size of the proposed C-3 zoning district. While some of the lots could be developed without a subdivision under the existing zoning, a subdivision will be required prior to development on any of the lots if the zoning is changed to C-3.

- ◆ **Current Zoning and Land Use**
Lots 3 thru 7 are zoned C-2, Lot 8 is split zoned C-2 and R-1A, and Lot B9 is zoned R-1A. The entire site is undeveloped.

- ◆ **Surrounding Zoning and Land Use**
The general surrounding area consists of commercial businesses and single family residential homes. Specifically, undeveloped property is adjacent to the north; a single family home is located adjacent to the south; single family homes are located across Mimosa Ave. to the east; and commercial business are located adjacent to the west.

The general surrounding area consists mostly of C-2 and R-1A zoning. Specifically, C-2 zoning is located to the north; R-1A zoning is located to the south; C-3, R-3 Multi-Family, and R-1A zoning is located across Mimosa Avenue to the east; C-2 and R-1A zoning is located to the west.

The nearest C-3 zoning, which was approved in 2009, is located approximately 200 feet away across Mimosa Avenue. That site is used for a Daiquiri Shop. The next closest C-3 zoning is approximately 700 feet down Highway 90 west of the subject site. This was approved in 1987.

- ◆ **Plan 2030 Recommendation**
Lots 3 thru 7 are designated as General Commercial, Lot 8 is split between the General Commercial and Low Density Residential designations, and Lot B9 is shown as Low Density Residential.

General Commercial: The general commercial category 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-3 and all of the uses permitted in the C-2 zoning districts.

Low Density Residential: This category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A and R-1B zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1A(M). Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.

◆ **Traffic Access**

The only street access a future commercial development may have would be from the lone street frontage on Mimosa Avenue which is a local street providing access to Highway 90.

APPLICABLE REGULATIONS

Appendix A. Zoning Ordinance, 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.

AND:

[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. (Ord. No. 88-5-5, 5-16-88)
- (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) (Ord. No. 98-4-17, § II, 4-20-98)
- (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.* (Ord. No. 97-7-4, § VIII, 7-7-97)
- (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. (Ord. No. 88-9-9, 9-6-88)
- 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. ([Ord. No. 14-8-6, § I, 8-4-14](#))
 - (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.* (Ord. No. 01-5-18, § II, 5-21-01)
 - (5) Cellular installations and PCS (personal communication service) installations.
 - (6) *Reserved.* (Ord. No. 01-5-18, § III, 5-21-01)
 - (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.
(Ord. No. 92-9-14, 9-8-92; Ord. No. 94-1-9, § IV, 1-10-94; Ord. No. 94-6-6, § II, 6-6-94; Ord. No. 97-7-4, § IV, 7-7-97; Ord. No. 98-4-17, § III, 4-20-98; Ord. No. 99-12-24, § I, 12-20-99; Ord. No. 03-1-12, § IV, 1-21-03; Ord. No. 07-10-10, § II, 10-15-07; Ord. No. 09-2-6, § 1, 2-16-09)
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. (Ord. No. 08-8-9, § XII, 8-18-08)
(Ord. No. 82-6-6, § 1, 6-7-82)
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.

ANALYSIS

The applicant requests a change of zoning district on an approximately $\frac{3}{4}$ of an acre site from C-2 and R-1A to C-3. Specifically the change is proposed for Lots 3 thru 8 and B9, Block A, Mimosa Park Subdivision, Luling in order expand the types of development permitted on the property.

The site is located on the west side of Mimosa Avenue off of Highway 90. It is undeveloped, with frontage on Mimosa Avenue, and is currently divided into several individual lots. Some of the lots meet the minimum size and width requirements of the existing zoning districts but none of them meet the minimum size requirements for the

proposed C-3 zoning district. If the change in zoning is approved, the lots will have to be resubdivided in order to permit development.

The majority of the C-2 district encompassing the site was established in 1981 and almost runs continuously from Lakewood Drive to the east to just west of Coronado Drive. There have been three zoning changes within this district to C-3.

The St. Charles Parish Zoning Ordinance establishes three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines.

The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood. Much of the subject site is designated General Commercial with some uses permitted in the C-3 zoning district considered in that FLUM designation. 6,000 square feet of the approximately 31,600 square foot site has a FLUM designation of Low Density Residential. The zone change would be a spot zone as it would permit uses on this site not permitted in the general area. It would not serve the best interests of the neighborhood as it consists mostly of general commercial uses permitted in the C1-R, C-1, or C-2 zoning districts along with single-family houses and multi-family developments. A spot zone to a more intense commercial district would be incompatible with what exists in the area and could have a negative impact on adjacent residences. While a change to C-3 zoning has occurred on a nearby property, this was done to permit a specific use in an existing building which required an additional Special Permit Use application and approval. **The first guideline is not met.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point where the existing zoning no longer allows for reasonable use of the subject property. The uses in both the immediate and general vicinity of the subject site reflect the existing zoning. The commercial businesses located on this stretch of Highway 90 and going back into the adjacent neighborhoods predominantly consist of CR-1, C-1, or C-2 uses. With the exception of two sites developed as townhomes, the C-2 commercial uses transition into neighborhoods developed with single family residences. The neighborhood character has not significantly changed in a way that would make the subject site unusable in a C-2 zoning district and the multi-family developments may increase demand for C-2 uses serving the neighborhood. The subject site can still be developed with uses permitted by the existing zoning which would be more in character with the surrounding uses. **The second guideline is not met.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character or overburden existing public infrastructure. The St. Charles Parish Public Works and Wastewater Department and Waterworks Department stated that services in the area could support C-3 uses of $\frac{3}{4}$ of an acre. A subdivision would have to take place in order to develop the site for a C-3 use. Traffic generated from a C-3 use would require using Mimosa Avenue, which acts as a local street, as its primary access point. The uses permitted in the C-3 zoning district would be incompatible with existing neighborhood character. The overall character of the area is for small scale commercial uses including restaurants, personal services, retail, and offices. The majority of the uses permitted by right in the C-3 district take a significant jump in intensity which would not only be incompatible with the existing commercial uses but could be a nuisance to adjacent single-family residences. **The third guideline is not met.**

The rezoning request does not exceed three acres and does not trigger a corresponding change to the Future Land Use Map.

DEPARTMENT RECOMMENDATIONS

Denial