

**St. Charles Parish  
Department of Planning & Zoning**

**LAND USE REPORT**  
**CASE NUMBER: 2022-1-R**

## GENERAL INFORMATION

- ◆ **Name/Address of Applicant**  
Carla Elizabeth Portera Grunberg  
12 Mustang Lane  
St. Rose, LA 70087  
(504)-615-8207; carlagrunberg@ymail.com
  - ◆ **Location of Site**  
Lot 1B, St. Rose Gardens; 118 St. Rose Avenue, St. Rose
  - ◆ **Requested Action**  
Rezoning from R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density to C-2, General Commercial-Retail Sales

## SITE INFORMATION

- ◆ **Size of Site**  
10,530 sq. ft. (0.24 acres)
- ◆ **Current Zoning and Land Use**  
R-1A(M); property was previously developed with a residence, but is now vacant and cleared.
- ◆ **Surrounding Zoning and Land Use**  
C-2 zoning is located across St. Rose Avenue to the front, and adjacent to the River Road side; R-1A zoning is adjacent to the rear; R-1A(M) zoning is adjacent to the Bart Street side.

The property is located in an area where a commercial center focused around the intersection of River Road and St. Rose Avenue transitions to a single family residential neighborhood. Specifically, the St. Rose Volunteer Fire Department and an office-warehouse building are located directly across St. Rose Avenue to the front. A multi-tenant commercial building is adjacent to the River Road side. A vacant and cleared lot is adjacent to the Bart Street side. A large lot developed with a residential building and used to store several trucks and trailers is adjacent to the rear.

- ◆ **Zoning History**  
The existing R-1A(M) zoning was established in 1982 under Ordinance No. 82-1-8, and the C-2 district across St. Rose Avenue dates to the Zoning Ordinance of 1981.

The C-2 district on the down-river side of St. Rose Avenue has been expanded twice:

- Lot D from R-1 (R-1A) to C-2 (Ordinance No. 82-7-1).
- Portion of Lot C from R-1A(M) to C-2 (Ordinance No. 14-7-1).

The above referenced lots were resubdivided into Lot 1E, which is developed with the commercial building adjacent to the subject site.

- ◆ **Future Land Use Recommendation**  
Neighborhood Commercial: Neighborhood Commercial areas accommodate retail sales and services for the daily self-sufficiency of residents of a neighborhood or neighborhoods, such as convenience shopping, dry cleaners, hair salons and barber shops, day care centers, coffee shops, professional and business service offices, etc. Uses permitted in the C-1 (Commercial Office) zoning district are allowed in this district. Some uses that are permitted in the C-2 zoning district are also appropriate (e.g., bakeries, tailors, etc.)

◆ **Traffic Access**

Lot 1B has 65 ft. of frontage on St. Rose Avenue, a two-lane state highway improved with an approximately 20 ft. wide asphalt surface. This exceeds the required width for the C-2 zoning district.

◆ **Utilities**

The infrastructure layer in GIS shows Parish water, sewer, and drainage facilities are available on St. Rose Avenue.

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

**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 EVALUATION**

Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that two or more of the following criteria are met:

- 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 proposed C-2 district conforms to the Neighborhood Commercial Future Land Use designation of this site. This future land use category primarily anticipates those uses permitted in the C-1 zoning district, but it does establish that some C-2 uses would be appropriate. The C-2 district would also not be considered a spot zoned, as it would extend an existing C-2 district. **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.* Department permit data shows the site was developed with a mobile home in 1992 (Permit No. 8421-92). This mobile home was replaced by another in 2008 (Permit No. 21368-08), which was then renovated in 2012 due to damage from Hurricane Isaac (Permit No. 25516-12). This permit history shows a residential use has been able to exist across from and adjacent to commercial development for at least 30 years. The existing residential zoning still allows for 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.* The existing site is one of the last residentially zoned properties on St. Rose Avenue between River Road and Bart Street, which is an area that has been zoned and developed as a commercial center at the intersection of St. Rose Avenue

and River Road. The uses permitted by the proposed C-2 zoning district would be compatible the character established along this portion of St. Rose Avenue, which includes commercial development both immediately adjacent to and directly across from the subject site. The area is also developed with Parish water, sewer, and drainage facilities which would not be overburdened by the level of commercial development capable of being developed on a property of this size. **The request meets the third guideline.**

**ANALYSIS**

The applicant is requesting a rezoning from R-1A(M) to C-2 on Lot 1B, municipal address 118 St. Rose Avenue, St. Rose.

The request meets the first and second guidelines for a rezoning. The proposed C-2 district would be compatible with the Future Land Use designation of Neighborhood Commercial, and would not be a spot zone as it would expand an existing C-2 district within an appropriate area. With the commercial zoning proposed at the edge of a commercially developed area at the intersection of St. Rose Avenue and River Road, the uses permitted in the C-2 district should not overburden existing infrastructure and would be compatible existing neighborhood character.

**DEPARTMENT RECOMMENDATION**

**Approval, due to meeting the first and third rezoning guidelines.**