

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR 2015-25

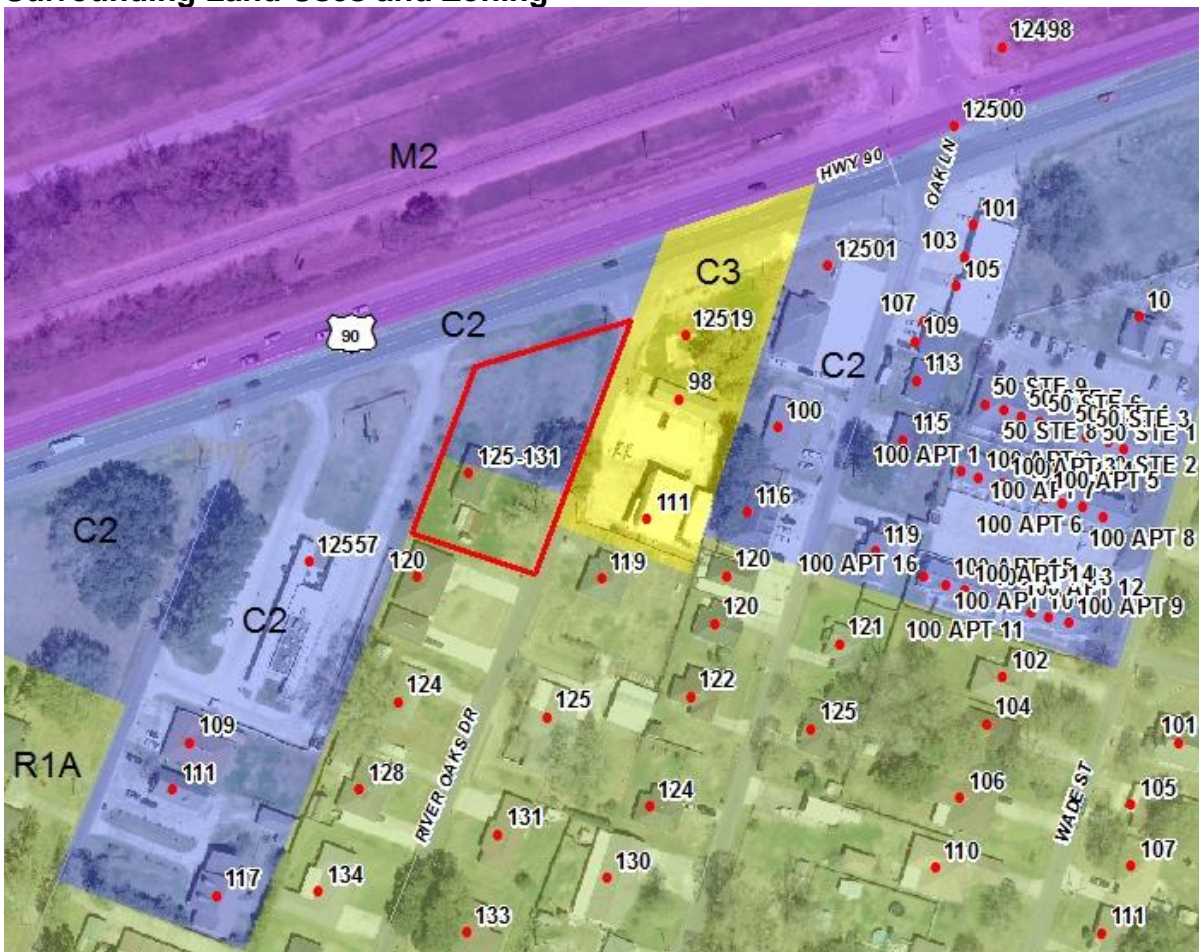
GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** Larry Orgeron et al
P.O. Box 308
Ama LA 70031
985.233.9371
- ◆ **Location of Site:** 12531 Hwy 90 (at River Oaks Drive)
Lot 1-B of Block B, River Oaks Drive
- ◆ **Requested Action**
Change of zoning from R-1A and C-2 to C-2
- ◆ **Purpose of Requested Action**
To be sold as commercial lot.

Application Date 10/5/15

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
20,022.80 square feet.
- ◆ **Zoning and Current Use:**
R-1A & C-2, vacant single-family house.
- ◆ **Surrounding Land Uses and Zoning**



C-2 zoning and land use to west of site, C-3 zoning, C-2 land use to east of site; R-1A zoning and land use to rear of site.

- ◆ **Traffic Access and Parking**
Hwy 90 & River Oaks Street.

- ◆ **Plan 2030 Recommendations:**



One half of lot: Commercial; one half of lot: Low Density Residential.

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.

III.1 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. (Ord. No. 88-5-5, 5-16-88)
- (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.

(Ord. No. 94-11-2, § V, 11-7-94)

- (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 Cellular/communication towers. (Ord. No. 95-9-11, 9-18-95)
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district). (Ord. No. 98-3-17, § II, 3-23-98).
 - (19) Historic home site bed and breakfast. (Ord. No. 13-7-6, § II, 7-1-13)
- 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. (Ord. No. 88-9-9, 9-6-88)
(Ord. No. 85-7-17, 7-22-85)
- 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.
(Ord. No. 92-9-14, 9-8-92; Ord. No. 94-1-9, § III, 1-10-94; Ord. No. 94-6-6, § I, 6-6-94; Ord. No. 98-7-6, 7-6-98; Ord. No. 02-5-21, 5-20-02; Ord. No. 03-1-12, § III, 1-21-03; Ord. No. 07-10-10, § I, 10-15-07; Ord. No. 09-4-19, § 1, 4-20-09)
- 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.
(Ord. No. 82-6-6, § 1, 6-7-82)
 - (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, § XI, 8-18-08)
- 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.
(Ord. No. 82-6-9, § III, 6-7-82; Ord. No. 98-1-3, § III, 1-5-98)

ANALYSIS

This lot is located at the corner of Hwy 90 and River Oaks Drive. It is split-zoned with slightly greater than half of the lot zoned C-2 and the remainder zoned R-1A. The request is to rezone the R-1A portion to C-2, creating a uniform zoning across the property.

The R-1A portion is shown in the St. Charles Parish Comprehensive Plan Future Land Use Map as *low-density residential*. The C-2 portion is shown as *commercial*. Rezoning the entire lot to commercial would create a minor inconsistency with the Future Land Use Map, but would be conforming to the commercial zoning land use patterns established along Hwy 90. The request would not create a spot zone. Thus, **the first criteria is met.**

For the past several years, the applicants have been trying to sell the lot but have found that the split-zoning has been a hindrance to potential buyers. The commercially zoned portion is too small to fit a building, required parking, loading, landscaping, and buffering. To develop the residentially zoned portion for residential requires subdividing the site where the resulting impact on the future homeowner would be negative due to the abutting the commercial lot, proximity to Hwy 90, and the associated traffic noise. "The pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property." Thus, rezoning the entire site to C-2 would allow the entire site for commercial development and **meets the second criteria.**

Rezoning the site to C-2 would be compatible with the abutting commercial uses along Hwy 90 without having to expand public facilities or utilities. The infrastructure along Hwy 90 is currently in place for commercial uses. Therefore, **the third criteria is met.**

This site is below the three acre threshold that mandates a corresponding FLUM amendment. Therefore, if rezoning is approved, no change to the adopted FLUM is required at this time.

DEPARTMENT RECOMMENDATIONS

Approval.