

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZR-2014-13**

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** Marsh Investments Corp  
2709 Ridgelake Drive, Ste. 100  
Metairie LA 70002  
**504.840.9988**  
**jcm@nocoxmail.com** **Application Date:** 8/14/14
- ◆ **Location of Site:**  
Behind 10093 US Hwy 90 (Pier 90), Luling
- ◆ **Requested Action:**  
Rezone from R-1M to C-3.

### SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:**  
Approximately 6 acres
- ◆ **Existing Land Use and Zoning:**  
Currently is zoned R-1M and vacant but portion is used for boat trailer parking.
- ◆ **Surrounding Land Uses and Zoning:**  
Site is to rear of Pier 90, which is a bar, a boat launch, and parking for vehicles and boat trailers.
- ◆ **Plan 2030 Recommendations:**  
Mixed Use Corridor
- ◆ **Utilities:**  
Water only.
- ◆ **Traffic Access:**  
US Hwy 90

### APPLICABLE REGULATIONS

#### Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
  - a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
  - a. Undue congestion of streets and traffic access.
  - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
  - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.

- d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
- 3. The proposed zoning change is in keeping with zoning law and precedent, in that:
  - a. It is not capricious or arbitrary in nature or intent.
  - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
  - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
  - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

**AND:**

**Appendix C [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)
    - (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.
    - (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)

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**

This is a request to rezone a site adjacent to and behind Pier 90 from R-1M to C-3 for the purpose of developing a site for outdoor storage of manufacturing equipment. This proposed use also requires a special permit use approval. Part of the site is used as a gravel parking lot for those launching boats from an adjacent boat launch.

Recommendation for rezoning approval only requires that applications meet one of three criteria listed above. The Department has concluded that the potential resulting land use change complies with or otherwise would minimally impact the general public interest and welfare. Therefore this application **meets the second criteria** for rezoning.

The potential land use should not result in undue congestion and traffic access based on the most recent average daily traffic counts compiled by DOTD from the nearest US 90 count stations on US 90—west of the Davis Diversion and east of the applicant site, near the landfills in Jefferson Parish. At the Davis Diversion site, the count was approximately 18,400 and the count was slightly higher at the station east of the site—approximately 21,700. The higher count is likely attributable to large number of waste disposal trucks entering and exiting the landfills from Orleans and Jefferson Parishes. Other counts along US 90, particularly in Boutte near I-310, the counts exceed 30,000 vehicles. This indicates that the stretch of US 90 along the applicant site has room to grow.

Plan 2030 recommends that future land uses along the corridor be mixed. There are no other sites along this corridor segment with C-3 zoning or land uses. Thus, overcrowding of land or overburden on public facilities should be of concern. This also addresses potential land use incompatibility that could result with rezoning from a commercial residential use to a highway commercial use. The rezoning request is consistent with what Plan 2030 recommends.

**DEPARTMENTAL RECOMMENDATION**

**Approval.**