

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.

- 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. and
  2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

**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) 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.
    - (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.
- 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.

## 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 one 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 Future Land Use Map designation of *General Commercial* provides for commercial uses permitted in the C-3 zoning district, but it would be considered a spot zone extending privileges to this property that other properties in the area do not have. The request does not expand upon existing C-3 zoning, with the nearest located approximately 1,350 feet down Highway 90. **The request does not meet 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.* The existing C-2 zoning was changed in 2005 from R-1A(M) for the purpose of providing more opportunity for commercial development in this area. In the ensuing 15 years, changes in the land use pattern have primarily come from the expansion of R-1A(M) zoning, resulting in additional residential use, primarily manufactured homes (PZR-2006-06, PZR-2011-05, PZR-2016-10). While commercial development has not occurred, the C-2, neighborhood commercial designation is reasonable given its proximity to a residential area that is underserved by neighborhood commercial uses and its access to Highway 90. **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.* The residential neighborhoods in the surrounding area are characterized by an aging stock of site-built houses and manufactured homes on rental tracts and large family tracts, but the majority of the land immediately adjacent to the subject property is vacant and wooded. Along with this current separation, buffer requirements should allow development of C-3 uses in a way that provides opportunities for the nearby residents without negative impacts from the noise and traffic associated with these uses. Representatives from the Departments of Public Works and Wastewater and Waterworks stated facilities are available and adequate for C-3 uses. **The request meets the third guideline.**

## ANALYSIS

The applicant requests a change of zoning from C-2, General Commercial to C-3, Highway Commercial on three contiguous lots in three different applications. This request is for Lot 69-A-2B, a .982 acre property located southwest of JB Green Road, municipal address 16626 Highway 90, Des Allemands. The analysis and recommendation for each property is comparable to the other. The Planning Commission heard a request to rezone much of this site from C-2 to R-1M on May 7; that request was denied by the Parish Council.

The request to change the area to C-3 meets the third guideline for rezoning. The uses permitted in the district would not be incompatible with existing neighborhood character,

as the site is isolated from nearby residential neighborhoods by abutting property which is mostly wooded. Representatives for Parish utilities also indicate that the uses permitted in C-3 zoning would not overburden existing infrastructure.

A corresponding change to the FLUM designation is not required as the FLUM designation is already commercial.

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval, based on meeting the third guideline.**