

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZR-2017-04

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** 12/14/16  
Pat Greaud  
124 St. Charles Street  
Norco, LA 70079  
(985)-764-7786
- ◆ **Location of Site**  
North  $\frac{3}{4}$  Lot 37 and South Half Lot 36, Good Hope Plantation Subdivision; 141 St. Charles Street, Norco
- ◆ **Requested Action**  
Change of zoning from R-1A, Single Family Residential to C-2, General Commercial District-Retail Sales.
- ◆ **Proposed Use**  
The site is currently used to store items for a retail business. The applicant wishes to rezone the property to C-2 in order to bring the use into compliance.

### SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**  
North  $\frac{3}{4}$  Lot 37: 2,400 square feet, 60 foot frontage  
South  $\frac{1}{2}$  Lot 36: 1,600 square feet, 40 foot frontage
- ◆ **Current Zoning and Land Use**  
The 4,000 sq. ft. site is zoned R-1A, Single Family Residential and developed with a cargo container and a 25' x 25' site built structure with a 10' x 25' addition.
- ◆ **Surrounding Zoning and Land Use**  
The subject site is surrounded by R-1A zoning on all sides. Residential uses are located adjacent to the north, west, and east, across St. Charles Street. To the south, along St. Charles Street, a vacant commercial building is zoned C2—however there is a small vacant lot zoned R1A separating the C2 district from the site.
- ◆ **Development History**  
This portion of Lot F of Good Hope Plantation is shown on a 1946 plat showing 42 lots on both sides of a 40' wide road. The road became St. Charles Street, and this west side of the road is divided into 17 lots that are only 40' deep and 80' wide (with the exception of two corner lots that are only 45' wide). Most of the lots were developed with single-family houses. The only permit data for the site is for a 10' x 25' residential addition permit that suggests the building was a single-family house, but it has not been in residential use for some time. The property has been in the applicant's family since 1991; the applicant has had full ownership since 1999.  
  
The property was zoned R-1A(M) with the Zoning Ordinance of 1981 and rezoned to R-1A in the late 1990s, citizens of Norco requested and were granted an area-wide rezone to R-1A (ordinance no. 90-3-2).
- ◆ **Plan 2030 Recommendation**  
Low Density Residential with the Apple Street Mixed Use Corridor overlay.

*Low-Density Residential:* This category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) 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.

*Mixed Use Corridor:* St. Charles Parish has several corridors which have become, or have the potential to become, mixed use corridor activity centers. The following corridors have been identified in this Comprehensive Plan as warranting this designation. Others may be identified in future updates. Mixed Use Corridors will be implemented through the adoption of “special character” overlay zoning districts, and may include particular use mixes and densities (consistent with the FLUM), and distinct standards or guidelines for private development, public realm / urban design, and/or architectural design.

◆ **Traffic Access**

The property is 100’ wide on St. Charles Street, which runs parallel to Apple Street on the well-connected Norco street grid.

<b>APPLICABLE REGULATIONS</b>
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**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:**

**Zoning Ordinance, Section VI.C.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. (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.
    - (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.
- (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.
- 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.

<b>ANALYSIS</b>
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The applicant requests a rezoning of the properties designated as North  $\frac{3}{4}$  Lot 37 and South Half Lot 36, Good Hope Plantation Subdivision, municipal address 145 St. Charles Street, Norco from R-1A to C-2. The site measures 100' x 40', consists of 4,000 square feet, and is currently used as storage for a nearby retail store and will continue to do so as the purpose of the rezoning request is to bring the use into zoning compliance.

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.* The FLUM designation for the property is Low Density Residential which does not include commercial zoning or uses however this area of Apple Street contains a FLUM Activity Center designation of Mixed Use. This designation anticipates a mix of residential, commercial, and service uses contributing to the “main street character” of Apple Street. While the existing and proposed use of the subject site does not particularly fit with the goals of the Mixed Use Activity Center the proposed zoning furthers the comprehensive plan in creating a corridor with a mix of uses. And while this rezoning only applies to a 4,000 sq. ft. property, it does not meet the definition of a spot zone as it will not be extending privileges to this site not extended to others in the vicinity and it is in furtherance of the comprehensive plan. **The request meets the first guideline.**

*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 site is developed with a site-built structure that likely was used as a single-family house. It is surrounded by single-family houses with a vacant commercial building to the south. While most of the housing stock in the Lot F Subdivision may show signs of aging, renovations in the area are not uncommon and houses in the area seem occupied. The site is near C-2 zoning and a large commercial structure, but this is not a change—and, in fact, the commercial building appears vacant. The neighborhood does not appear to have changed to the point that the subject site is unsuitable for a single family residential use. **The request does not meet second guideline.**

*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 and do not overburden existing public infrastructure.* Representatives from Public Works and Waterworks determined that the proposed C-2 zoning and possible uses are unlikely to overburden water, sewer, or drainage. As the property has been used for commercial storage for a number of years with no complaints or violations about this use on file, it does not appear that C-2 uses are incompatible with existing neighborhood character. While this particular stretch of Apple Street is primarily residential, there is a commercial development within the vicinity of the subject site zoned C-2 and containing uses permitted in the district. **The request meets the third guideline.**

There are several issues with the lots as currently configured. First, neither lot meets the minimum area requirement of 6,000 square feet for the C-2 district, and it should be noted that they also do not meet the minimum area requirement of the current R-1A zoning district. Second, South Half Lot 36 does not meet the minimum 60 foot width requirement of either the proposed C-2 district or existing R-1A district. Finally, according to the survey of the site, the existing building which is mostly confined to South Half Lot 36 encroaches onto North  $\frac{3}{4}$  Lot 37, crossing a lot line. It should be noted that the majority of the lots in the blocks between Apple and St. Charles Streets do not meet existing area requirements. This is due to the original subdivision of this tract in 1946 creating 80' x 40' lots consisting of only 3,200 square feet. While the area requirements are not met and this deficiency will continue to exist even if the two lots are combined, it is recommended that North  $\frac{3}{4}$  Lot 37 and South Half Lot 36 be resubdivided into one lot of record in order to remedy the existing width requirement not met by South Half Lot 36 and eliminate the issue of the existing building from crossing an interior lot line.

The rezoning request does not exceed three acres so a change to the Future Land Use map would not be required if the rezoning is granted.

<b>DEPARTMENT RECOMMENDATIONS</b>
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**Approval. The Department further recommends that the applicant be directed to combine the two lots into one lot of record.**