

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

CASE NUMBER: PZR-2016-02

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date 1/5/16**  
DVL Properties, LLC  
321 St Charles Ave  
New Orleans, LA 70130  
504.759.1275
- ◆ **Location of Site**  
11760 River Road, St Rose
- ◆ **Requested Action**  
Change of zoning from R-1A(M) to C-2
- ◆ **Purpose of Requested Action**  
Consolidation of zoning (elimination of a split zone) and bring the entire use of the property into compliance with the proper zoning.

### SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**  
A portion of Lot 1-A consisting of 20,319 square feet, and a portion of Tract 1, Elkinsville Subdivision, consisting of approximately 4,975 square feet. Due to the size of the rezone effecting less than three acres of land, an amendment to the Future Land Use Map is not required.
- ◆ **Current Zoning and Land Use**  
R-1A(M). The portions of both Lot 1-A and Tract 1 to be rezoned are currently used as a gravel parking lot for the associated restaurant also located on Lot 1-A.

- ◆ **Surrounding Zoning and Land Uses**  
The area immediately surrounding the subject site is zoned R-1A(M) or C-2. Land uses in each of the surrounding zoning districts reflects permitted R-1A(M) and C-2 uses such as detached single- family homes and mobile homes. Several churches are also located in the vicinity with commercial uses on River Road east of 1<sup>st</sup> Street.



- ◆ **Future Land Use Recommendations**  
*Neighborhood Commercial:* This category includes businesses conducting retail sales and services for the daily life of residents in a neighborhood. Uses permitted include those in the C-1 zoning district and some uses in the C-2 zoning district.



- ◆ **Traffic Access and Parking**  
Traffic can access the subject site through River Road, Crespo Lane, or Fourth Street. There are parking spaces in the front along River Road but most of the parking for this site is located in the newly developed parking lot in the rear.

<b>APPLICABLE REGULATIONS</b>
-------------------------------

**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.] 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

The applicant requests rezoning from R-1A(M) to C-2 to eliminate a spot-zone on Lot 1-A, which was created by administrative resubdivision in 2014. Prior to the resubdivision, the subject property was several individual lots. Some of the lots were in the C-2 zoning district along River Road while the rest in the R-1A(M) zoning district. With the previously mentioned resubdivision, one single lot of record was created but this resulted split zoning.

The current permitted use of the R-1A(M) property is not compatible with the existing zoning. The River Road side of the property has historically been used for commercial purposes and currently operates as a restaurant. This is in line with the existing C-2 zoning on that portion of Lot 1-A. However, restaurants are not a permitted use in the R-1A(M) zoning district, leaving the use of the rear portion of the property out of compliance with the existing zoning designation.

In order to receive a recommendation for approval, a rezoning request must meet all the requirements of at least one of the following criteria:

A rezoning must follow the future land use recommendations of Plan 2030 and also not create a spot zoning. Plan 2030 recommends this area for *Neighborhood Commercial*, and the existing land use meets this recommendation. The rezone will also not create a spot zone since it will attach to the C-2 zoning on which the restaurant building is situated. This will in fact eliminate a split zoning. The rezoning meets both requirements, therefore **the first criteria is met.**

As the subject site has been resubdivided and redeveloped, a split zoning has been created and a portion of the use (the parking lot) is incompatible with the existing zoning designation of R-1A(M). As mentioned earlier, the rezone would eliminate the issue of the split zoning and also allow the zoning to be compatible with the existing use. **The second criteria is met.**

Other uses permitted under the C-2 zoning district must also be compatible with the surrounding neighborhood. Additionally, existing public infrastructure must not be overburdened by any new potential uses. The other permitted uses in the C-2 district would not have an adverse effect on the surrounding neighborhood. Secondly, public facilities in the area should not be overburdened by uses permitted in the C-2 zoning district as this site has been used previously for commercial uses and commercial uses also currently exist along River Road. Therefore, **the third criteria is met.**

As part of a rezoning application, the applicant must give reasons why the zoning change should occur and how it will not adversely affect the surrounding neighborhood. The reasons presented by the applicant align with the analysis provided by the Planning Department.

In conclusion, this site is below the three acre threshold that mandates a corresponding Future Land Use Map amendment. Therefore, no change to the adopted Future Land Use Map is recommended at this time.

## DEPARTMENT RECOMMENDATIONS

**Approval.**