

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2022-11-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 7/1/2022**
Dirt Worx Rentals, LLC
4234 Highway 90
Des Allemands, LA 70030
(985)-306-0024; cherie@dirtyworxrentals.com

Triple MBM Properties
820 Industry Road
Kenner, LA 70062
- ◆ **Location of Site**
15207 Highway 90, Paradis
- ◆ **Requested Action**
Change of zoning from C-2 to C-3 on Lot 5A, approximately ½ acre on east-bound US Highway 90 between Wisner Street and Cadow Street in Paradis.

SITE INFORMATION

- ◆ **Size of Site**
Lot 5A is 24,650.79 sq. ft. (0.56 acres)
264.21 ft. frontage Highway 90 and 93.3 ft. frontage on Wisner & Cadow Streets.
- ◆ **Current Zoning and Land Use**
C-2; the site is currently vacant with no structures or permitted use. It is developed with a parking lot with driveway aprons to both Wisner Street and Cadow Street. A restaurant building on the site was demolished in March 2022 (permit #42163). The building slab has not been removed.
- ◆ **Surrounding Zoning and Land Use**
The site is within a C-2 zoning district that was established in 1981 to cover lots fronting both sides of Highway 90 from the Paradis Canal to Bayou Gauche Road.

Legally non-conforming site-built houses are located across Highway 90 and across Cadow Street. Manufactured Homes abut on the rear line of Lot 5A; a commercial building with a small warehouse is located across Wisner Street side.
- ◆ **Zoning History**
The C-2 district was established in 1981.
- ◆ **Future Land Use Recommendation**
General Commercial: The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.
- ◆ **Traffic Access**
The site has frontage on U.S. Highway 90, Wisner Street, and Cadow Street. Existing improvements include driveway access to the two Parish streets. Reuse or redevelopment of the site will be subject to the traffic impact analysis requirements of Chapter 6 of the Code of Ordinances (Section 6-14.(n).)
- ◆ **Utilities**

Representatives of the Departments of Waterworks and Public Works/Wastewater indicated existing utilities could accommodate C-3 uses on the property.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[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) Automobile 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) Automotive repair, minor and major
 - (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.
 - (11) Automobile Fleet Services: Examples include rental car facilities, overnight truck parking, dispatch locations, and any use related to the temporary or periodical parking of operative motor vehicles.
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, not withstanding 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.

[V.] *Prohibited use*: Medical waste storage, treatment or disposal facilities.

Appendix A. Section XV. - Amendment procedure

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
 - 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, also
 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

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 two 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 site conforms to the *General Commercial* designation on the Future Land Use Map, which "applies to" all uses permitted in the C-3 zoning district. However, granting the request would create a spot zone that would permit intense, incompatible C-3 uses in the middle of the C-2 zone that covers Highway 90 through Paradis. **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 and the proposed zoning does.* C-2 zoning permits neighborhood commercial uses like stores, restaurants, and offices, which would be reasonable uses of this property. This C-2 zone, established in 1981, covers lots on both sides of the Highway 90 corridor from the Paradis Canal on the east to Bayou Gauche Road on the west. The district has been expanded four times by property owners requesting C-2 to change their residential property or to expand C-2 uses (PZR 2006-04; 2006-08; 2006-10; 2013-02). The only rezones within this C-2 zone have been to R-1AM on one lot (PZR 2019-04) and to CR-1 on a one lot (1985-19). C-3 zoning exists on the Highway 90 corridor east of Paradis Canal and West of Bayou Gauche Road. This zoning pattern is designed to permit C-3 uses on the Highway 90 corridor near residential areas without creating negative impacts of like traffic congestion and noise near residential uses and the resulting land use pattern has not changed to the extent that C-2 zoning prohibits reasonable use of the property. **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.* Several uses permitted in the C-3 zone would be incompatible with the surrounding neighborhood. Although Highway 90 is a four lane highway through Paradis, it is also a school zone and a major thoroughfare through a town platted in the 1920s with a grid network of streets serving approximately 1280 residents in 770 households. C-3 uses like wholesale, warehousing, and sheet metal shops, may be compatible with other neighborhoods along Highway 90, but they are not compatible with the residential community of Paradis or with the neighborhood commercial uses like dollar stores, offices, gas stations, convenience stores, minor auto repair, and hotels. C-3 zoning within this portion of the Highway 90 corridor would be incompatible with this established neighborhood character. **The request does not meet the third guideline.**

ANALYSIS

The applicant requests rezoning from C-2 to C-3 on Lot 5A, approximately ½ acre on east-bound US Highway 90 between Wisner Street and Cadow Street in Paradis. The

applicant has also submitted an application for a Special Permit for fleet management services with outdoor storage in order to operate Dirt Worx Rentals, equipment rental and repair.

The request does not meet any of the guidelines for rezoning. Granting the request would create a spot zone in the center of a C-2 zone that is designed to provide general commercial opportunities to residents of Paradis and commuters who pass through on the Highway 90 corridor. While there are some vacant sites within the C-2 zone, permit data suggests that the land use pattern has not changed to the extent that C-2 zoning provides no reasonable use of the property. In addition, the uses permitted by the C-3 zone are not compatible with the neighborhood character through Paradis.

DEPARTMENT RECOMMENDATION

Denial.

***This request will be forwarded to the Parish Council for consideration with the Planning Commission's recommendation.**