

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZSPU-2014-05**

### GENERAL APPLICATION INFORMATION

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| ◆ <b>Name/Address of Applicant:</b><br>Mohammad Munawar<br>112 St Rose, LLC<br>3608 Taft Park<br>Metairie LA 70002<br><b>504.931.3577</b> | Mahesh Konevu<br>314 Riverwood Dr<br>St Rose LA 70087<br>504.610.7244<br><b>mkoneru2020@gmail.com</b> | <b>Application Date:</b><br>2/13/14                                      |
| ◆ <b>Location of Site:</b><br>112 St Rose Ave, St Rose  |   |  |
| ◆ <b>Requested Action:</b><br>Special Permit Use (requires Council Authorization)   |   | <b>Purpose of Requested Action:</b><br>R-3 use in a C-2 zoning district. |

### SITE – SPECIFIC INFORMATION

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| ◆ <b>Size of Parcel:</b><br>20,250 sf.  | <b>Plan 2030 Recommendation:</b><br>Neighborhood Commercial |
| <b>Existing Zoning and Land Use:</b><br>C-2, abuts a Subway restaurant  |   |
| ◆ <b>Surrounding Zoning and Land Uses:</b><br>C-2 zoning and land uses exist across St Rose Ave and abut the River Road side;<br>R-1AM zoning & land use abuts opposite Side;<br>R-1A zoning, “grandfathered” commercial abut rear. |   |
| ◆ <b>Traffic Access:</b><br>Murray Hill Drive   |   |
| ◆ <b>Utilities:</b><br>Existing   | <b>Floodplain Information:</b><br>X-Zone                    |

### APPLICABLE REGULATIONS

#### Appendix A., Section VI.

#### C. [III] C-2 General commercial district:

##### 1. Use Regulations:

c. Special permit uses and structures:

- (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.

AND

#### Appendix A. VI. B. [VIII.] R-3. Multi-family residential:

##### 2. Spatial Requirements:

a. Minimum lot size: Ten thousand (10,000) square feet; minimum width - sixty (60) feet; two thousand five hundred (2,500) square feet per family.

b. Minimum yard requirements:

(1) Front - twenty (20) feet

(2) Side - ten (10) feet

(3) Rear - twenty (20) 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, § VIII, 8-18-08).

c. Maximum land coverage: Eighty (80) percent (twenty (20) percent green space).

d. Accessory buildings:

(1) Accessory buildings shall be of one story construction not to exceed sixteen (16) feet in height.

(2) Accessory buildings shall be located on the same parcel of land as the main structure.  
(Ord. No. 82-3-3, § II, 3-1-82)

e. Permitted encroachments:

- (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.
- (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

(Ord. No. 82-3-3, § II, 3-1-82)

3. Transportation System: Servitude of access, local, or collector street.

4. Special Provisions:

a. Where any multi-family residential district (R-3) abuts any residential zoning 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.

**AND**

Appendix A, Zoning Ordinance, Section IV.

9. Review and evaluation criteria/special permit use and special exception use: The appropriate decision-making agent and/or body shall review and evaluate each application based upon the following relevant criteria:

- a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.
- b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.
- c. Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.
- d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.
- e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.
- h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

The above criteria listed in a--g is to be considered illustrative and not restrictive, and other criteria may be considered although not specifically listed above if said criteria affects [affect] the general welfare and safety of the public at large.

<b>ANALYSIS</b>
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The applicant requests a special permit for a multifamily use on property zoned C-2 at the corner of St Rose Avenue and River Road. The site previously existed as a restaurant and bar and was vacant for at least 5 years, the site has since been redeveloped by the applicants. The front part of the building, the part closest to St Rose Ave, is now a Subway. Eight parking spaces are required for this use. The applicants intend to redevelop the rear portion of the building as a 4-unit apartment complex. Ten parking spaces are required for this residential use.

In 2013, the applicants submitted a special permit use application using a different parking arrangement on a smaller site. The Department's concerns about the likely conflicts between vehicular and pedestrian movements would exist between commercial and residential uses. There also not enough parking spaces for both the Subway and the 4-apartment units. The application was subsequently denied. The applicants then purchased and rezoned a portion of a neighboring lot to provide adequate area for additional parking. This re-application contains the additional property which has now been resubdivided into the larger commercial piece.

Consideration of this application for a Special Permit Use using the 8 evaluation criteria is as follows:  
The request meets all 8 of the evaluation criteria.

The neighborhood commercial land use designation also seeks to introduce moderate density residential uses. As the proposal seeks to do that specifically, this application is consistent with the land use designation and thus meets criterion a.

The redesigned site plan shows that there is now the capability for the site to adequately meet the required parking and to do so while separating the land uses. This addresses and meets the considerations of *criteria b, c, d, & f.*

*It meets criterion e, g, & h* through the process for permit approval as building code requirements must be met in order for the residential use to be constructed. Site plan review addresses how people and property are to be protected from the hazards pointed out in this criterion. The department does not issue final approval for sites that do not meet these standards. Furthermore, the lighting from the commercial parking lot and the business has already been reviewed in the application for the Subway and casts a minimal amount of glare on the proposed residential units.

If this Special Permit Use is ultimately approved, it should be noted that this application is site specific and tied to the application submitted. If approved, the applicant will be limited to the density approved by the Commission and Council. The Commission also has the authority to make specific stipulations as conditions for approval, should they be deemed warranted through the review and hearing process.

<b>DEPARTMENTAL RECOMMENDATION</b>
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**Approval.**