

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZR-2014-10**

### GENERAL APPLICATION INFORMATION

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|--|---|--------------------------------------|
| ◆ <b>Name/Address of Applicants:</b><br>New Cingular Wireless PCS, LLC<br>dba AT&T Mobility<br>c/o Baker, Donaldson<br>Attn: Jon Leyens<br>201 St. Charles Ave, Suite 3600<br>New Orleans LA 70170<br>504.252.7220<br><a href="mailto:jleyens@bakerdonelson.com">jleyens@bakerdonelson.com</a> | <b>Property Owner:</b><br>Hill Heights Country Club<br>312 Murray Hill Dr<br>Destrehan LA 70047 | <b>Application Date:</b><br>6/6/2014 |
|--|---|--------------------------------------|
- ◆ **Location of Site:**  
312 Murray Hill Dr  
(Hill Heights Country Club)
- ◆ **Requested Action:**  
Rezone from R-1A to OL

### SITE-SPECIFIC INFORMATION

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|---|--|
| ◆ <b>Size of Parcel:</b><br>20,000 sf   | <b>Plan 2030 Recommendations:</b><br>Low Density Residential |
| ◆ <b>Existing Zoning and Land Use:</b><br>R-1A zoning; undeveloped recreational land uses   | <b>Traffic Access:</b><br>Murray Hill Drive                  |
| ◆ <b>Surrounding Zoning and Land Uses:</b><br><u>Surrounding Zoning:</u> R-1A to west and across RR;<br>C-2 to east; MS to north<br><u>Surrounding Land Uses:</u> recreational. | <b>Utilities:</b><br>Existing                                |

### APPLICABLE REGULATIONS

#### **Appendix A., Zoning Ordinance, Section IV.9:**

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. *Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:*
  - a. *Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.*
2. *The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:*
  - a. *Undue congestion of streets and traffic access.*
  - b. *Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.*
  - c. *Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.*
  - d. *An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.*
3. *The proposed zoning change is in keeping with zoning law and precedent, in that:*
  - a. *It is not capricious or arbitrary in nature or intent.*
  - b. *It does not create a monopoly, or limit the value or usefulness of neighboring properties.*

- c. *It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.*
- d. *It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.*

## **ANALYSIS**

This is a request to rezone a 20,000 square foot portion of Hill Heights Country Club to OL in order to meet the zoning requirements for installation of a cellular tower. The site is situated between the outfield portion of a baseball diamond and the clubhouse building, and over 250-feet from a wooded portion of property owned by a nursing home. It is also hundreds of feet from the nearest residential structure.

Rezoning approval is the first step in obtaining approval for the cellular tower. Approval of a special permit use from the Planning Commission is also required. That application has been submitted for consideration as case number PZSPU-2014-09. But because the rezoning case requires Council approval, the special permit, if granted, will not be effective until the request to rezone is by Council.

A rezoning request must meet all of the tests of at least one of three criteria listed in applicable regulations if a recommendation for approval is stated. **This request meets the second criteria.**

Rezoning a 20,000 square foot portion of the applicant site for the proposed use adds little to the total amount of traffic the current land uses generate. No traffic, other than the occasional service vehicle, is generated by cellular towers. Furthermore, the highest and best use allowable in the proposed zoning is less intensive than how the site is zoned and is currently used. So overcrowding or overburdening of infrastructure is not an issue.

Regarding consideration of land use incompatibility, the land is being used in a low density manner consistent with the proposed rezoning. In fact, the highest and best use of the site under current zoning has the potential to result in greater impacts than with a down zone to OL. Finally, approving the site for OL zoning will have a minimal impact to the neighborhood because it only consists of a single 20,000 square foot piece of ground that is already surrounded by vacant and recreationally used land.

## **DEPARTMENTAL RECOMMENDATION**

**Approval.**