



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-8-R

APPLICATION INFORMATION

- **Submittal Date:** 4/2/24

- **Applicant / Property Owner**

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FOR

Wadhah Alhusseini
166 Melonie Street
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- **Request**

Change of zoning:

- Current – R-3, *Multi-Family Residential District* (6.09 acre undesignated lot)
- Proposed – C-3, *Highway Commercial District - Wholesale and Retail Sales*

SITE INFORMATION

- **Location**

A 6.09 acre undesignated lot, Magnolia Ridge Subdivision; 13517 Highway 90, Boutte

- **Size:** 4 acres

- **Current Use**

The 4 acre subject area of the 6.09 acre undesignated lot is undeveloped and wooded (the front portion of the overall subject site along Highway 90 is developed with a single family house and accessory structure).

- **Surrounding Zoning**

C-3 zoning is located to the Highway 90 side; R-3 and R-1A zoning are adjacent to the rear; C-3 and R-1A(M) zoning are located to the Magnolia Ridge Road side; C-3 and R-3 zoning are adjacent to the Paradis side.

- **Surrounding Uses**

Development in the surrounding area includes a commercial building at the corner of Highway 90 and Magnolia Ridge Road; additional commercial development is located on the opposite side of Highway 90; residential homes are adjacent to the Magnolia Ridge Road side and rear; undeveloped, wooded land is also adjacent to the rear and Paradis side.

- **Zoning History**

The R-3 district was established in 1981.

- **Future Land Use Recommendation**

Commercial: This category includes single-use commercial, retail, office and service uses. Commercial areas should seek to strengthen existing retail and service uses, encourage the introduction of new uses, and introduce complementary adjoining uses such as public facilities and moderate-density residential, to reinforce the retail base

and support the continued health of these uses. Commercial uses must be consistent with the surrounding area and compatible with adjacent uses.

- Recommended Zoning Districts: CR-1 (residential/commercial transitional), C-1 (commercial office) zoning, C-2 (general commercial retail), C-3 (highway commercial), MS (medical service), B-1 (batture, non-industrial)

▪ **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: AE4

2013 Digital Flood Insurance Rate Map: AE6

▪ **Traffic Access**

The 6.09 acre undesignated lot is shown with 27.73 ft. of frontage on Highway 90, but access to the highway is available via a driveway on an adjacent lot under common ownership. In total, the entire holding owned by the applicant has 480.74 ft. of frontage on Highway 90.

▪ **Utilities**

Parish GIS shows drainage and water facilities along Highway 90 and Magnolia Ridge Road. Sewer facilities are shown on Magnolia Ridge Road.

Representatives from the Departments of Public Works, Wastewater, and Waterworks stated that they have no objections to the rezoning.

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, 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.
- 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.

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 & CRITERIA EVALUATION

- 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 subject site has a Future Land Use Map designation of *Commercial*. The proposed change from R-3 to C-3 conforms to this designation, where C-3 is a recommended zoning district. This is not a spot zone as it is not limited to a small area (4 acres), would expand on the existing C-3 zoning district fronting Highway 90, and is done in furtherance of the Comprehensive Plan. **The request meets 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.*

The 6.09 acre undesignated lot is split zoned, with the portion fronting Highway 90 zoned C-3 and the rear portion zoned R-3. Both districts date back to 1981. The C-3/R-3 zoning arrangement extends approximately 3,700 ft. southbound along Highway 90. The development permitted under this zoning arrangement has not come to fruition over the past 40+ years, with the area it covers remaining almost entirely undeveloped and wooded. On the subject site, short of a development plan confining

commercial use to the Highway 90 frontage or done in conjunction with multi-family development, the split zone limits the use of the 6.09 acre undesignated lot. By bringing this particular site under a uniform commercial zoning it can be more reasonably used and allow for expansion of the Boutte/Luling Highway 90 commercial corridor further southbound. **The request meets 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.*

The subject site is along a stretch of Highway 90 heavily developed with commercial uses, all under C-3 zoning. This includes a multi-tenant commercial building adjacent to the Magnolia Ridge Road side and a gas station, barroom, and vacant dollar store on the opposite side of the highway. C-3 uses are permitted within the front portion of the subject site right now, and expanding C-3 zoning across the entirety of the 6.09 acre undesignated lot does not introduce uses incompatible with the established commercial character of the Highway 90 corridor through Boutte and Luling. **The request meets the third guideline.**

DEPARTMENT RECOMMENDATION

Approval, due to meeting all the rezoning criteria.

This request will be forwarded with the Planning Commission’s recommendation to the Parish Council for a second public hearing and final determination.