

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2017-01

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** 11/16/16
Terri Darensbourg
387 King Street
Hahnville, LA 70057
(985)-783-6478 / (504)-382-6452; terridarensbourg@yahoo.com
- ◆ **Location of Site**
Lots 34A-1 and 36A-1, Square 2, Keller Acres Subdivision; municipal addresses 123 and 125 Elm Street, Hahnville
- ◆ **Requested Action**
Change of zoning from R1-A (Single Family Residential Detached) on Lot 34A-1 and C-1 (General Commercial-Commercial Offices) on Lot 36A-1 to C-2 (General Commercial District-Retail Sales) on both lots.
- ◆ **Purpose of the Request**
The applicant wishes to permit a driving school on Lot 36A-1 and hair salon on Lot 34A-1.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Lot 34A-1; 12,750 square feet, 85 foot frontage
Lot 36A-1; 12,161 square feet, 96.40 foot frontage
- ◆ **Current Zoning and Land Use**
Lot 34A-1 is zoned R-1A and is vacant but graded.
Lot 36A-1 is zoned C-1 and is developed with a snow-ball stand that has not been open for some time.
- ◆ **Surrounding Zoning and Land Use**
The area located to the front of the subject site and across Elm Street is zoned CR-1 and R-1A; the area located to the rear is zoned R-1A; the area located to the side with properties fronting River Road is zoned C-2; the area to the side going down Elm Street is zoned R-1A.

The surrounding area generally consists of single-family homes and commercial businesses. Specifically, single-family homes are located to the front across Elm Street; undeveloped land is located adjacent to the rear; commercial businesses including a restaurant and market are located adjacent on the east side and with frontage on River Road; single family homes are located adjacent to the west side and along Elm Street—with the exception of one vacant site and one site developed with a telephone service substation.
- ◆ **Development History**
The department has a map of Keller Acres dated 1950. The map may not be the original subdivision map, but it suggests Keller Acres was an addition to the Hahnville Townsite, adding 101 lots in five squares or blocks. Most of the lots are 50' x 150' rectangles except that one bounding line of the subdivision is skewed and River Road crosses through the subdivision on a skew creating some irregularly-shaped lots. Most of the lots were developed with single-family houses; many lots on River Road were developed with commercial structures

The subject site was originally platted as Lots 34, 35, 36, and 37 of Square 2. Lot 37 was a skewed lot—originally a small triangle measuring 31.4' by 150' (2,355 square feet). A house was built across lots 34, 35, and 36 (the department cannot determine the date of construction).

In 1981, the entire site was zoned R-1A. In 1982, Lot 37 was combined with 10 feet of Lot 36 to create 36A and lots 34, 35, and the remaining area of Lot 36 were combined to make lot 34A; the house remained on 34A and 36A was rezoned to CR-1 in order to permit a beauty salon (ord 82-9-2 & 82-12-6). Departmental records do not indicate whether the salon was built, but do show that in 1998, a snoball stand was operating on the site. Departmental records do not show when the house was demolished, but in 2004 Lot 34A was vacant and both lots were resubdivided again to the dimensions they have today as Lot 36A-1 and 34A-1.

The property owners purchased Lot 36A-1 in 2004 and Lot 34A-1 in 2008. In 2011, the property owner rezoned Lot 36A-1 to C-1 in order to permit a driving school; it has not been built.

◆ **Plan 2030 Recommendation**

Low Density Residential

◆ **Traffic Access**

Lot 36A-1 has 96.40 feet of frontage and Lot 34A-1 has 85 feet of frontage on Elm Street, a local road that connects to the Hahnville street grid and also to River Road (LA 18).

APPLICABLE REGULATIONS

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.

AND:

[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.
 - (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.
 - (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.
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district).
 - (19) Historic home site bed and breakfast.
 - 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.
 - 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.
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.
 - (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 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.

ANALYSIS

The applicant requests an extension of an existing C-2 zoning district onto Lots 34A-1 (currently zoned R-1A) and 36A-1 (currently zoned C-1) both in Square 2, Keller Acres Subdivision. The development plans entail moving the snow-ball stand building onto Lot 34A-1 for repurposing as a hair salon and new construction for a driving school on Lot 36A-1. Each site would have to meet design standards for setbacks, parking, loading, landscaping, and buffer fencing.

The St. Charles Parish Zoning Ordinance establishes three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines.

The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood. The FLUM designation for the property is Low Density Residential which does not include commercial zoning or uses. While an extension of the existing C-2 zoning district does not create a *spot* of C-2 zoning, changing the zoning on *this particular property* would not comply with the Future Land Use Map and would create commercial zoning on a street developed with houses. **The request fails the first criteria.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point where the existing zoning no longer allows for reasonable use of the subject property. Residents do seem concerned that the land use pattern in Hahnville has changed as businesses close or move from the area; however, these changes have not affected the subject property to the point that the existing zoning no longer allows reasonable use.

Lot 36A-1 was rezoned from CR-1 to C-1 in order to permit a driving school. CR-1 zoning permits "small schools or studios such as arts and craft schools, conducted by resident members of families provided that no goods or merchandise, except those needed for instruction purposes, or offered for purchase by students only; and, provided that such use shall not occupy more than five hundred (500) square feet of floor area." This provision did not permit the building and operation the property owner envisioned; at the time, it was determined that a local driving school could be considered to be comparable to "any type of commercial office" and that C-1 was the highest zoning that the neighborhood would support. The rezoning was granted. Although the driving school has not been built, the stated intent for the rezone request was to develop a driving school, and a driving school could be permitted today subject to site design standards. *The current zoning of Lot 36A-1 allows the use the applicant proposes on it.*

The current zoning of Lot 34A-1 permits construction of a site-built, single-family house. Three residential building and renovation permits have been issued on Elm Street in the last ten years and a single-family home is being proposed for one of the two remaining vacant R-1A zoned lots (the other being subject property 36A-1). With Lot 34A-1 being one of two remaining residentially zoned vacant lots on Elm Street, a single-family would be more appropriate and also may serve a need on Lot 34A-1. **The request fails the second criteria.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character or overburden existing public infrastructure. Representatives from Public Works and Waterworks determined that the proposed C-2 zoning and possible uses are

unlikely to overburden water, sewer, or drainage. However, the site development and traffic that could be generated by the proposed uses and other C-2 uses do not seem compatible with the residential character of Elm Street. While the AT&T utility station site on Elm Street is out of character with the neighborhood, visually, it does not appear to generate commercial traffic volumes.

River Road is zoned C-2 in this neighborhood and developed with general commercial uses, including a gas station/convenience store, a restaurant, and a strip mall anchored by a grocery but with vacancies. These uses are appropriate on River Road and should not be encouraged to locate off River Road. Elm Street is a residential street and it should be encouraged to develop with houses. **The request fails the third criteria.**

On a site visit performed on 12/28/16 the department received opposition to the proposed rezoning from a neighbor on Elm Street. The reasons cited included traffic and safety concerns as a result of commercial development on Elm Street and a desire to see the property developed with a residential structure more suitable to the neighborhood.

The rezoning request does not exceed three acres so a change to the Future Land Use map would not be required if the rezoning is granted.

DEPARTMENT RECOMMENDATIONS

Denial.