

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2013-09

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** June and Paul Murray, Jr.
1 Riverbriar Court
Destrehan, LA 70047
985.764.7275 **Application Date: 5/8/2013**
- ◆ **Location of Site:**
Lots 4, 5, 6, 7 and 8 Riverbriar Phase II, addressed as 1, 2, 3, 4 and 5 Riverbriar Lane, Destrehan
- ◆ **Requested Action:**
Rezone from R-1B to C-2

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:**
Approximately 2.35 acres
- ◆ **Existing Land Use and Zoning:**
Property is zoned R-1B and developed with two single-family homes.
- ◆ **Surrounding Land Uses and Zoning:**
To the north, property is zoned R-1B and developed with single family residences at low-density
To the east, property is zoned C-2 and developed with professional offices
To the south, is River Road, the levee, and vacant bature zoned B-1
To the west, Ormond Plantation is zoned C-2
- ◆ **Future Land Use Map Designation;**
Neighborhood Commercial
- ◆ **Traffic Access:**
Two of the lots to be rezoned have frontage on River Road, the other lots are served by Riverbriar Court.

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.

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. (Ord. No. 88-5-5, 5-16-88)
 - (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. (Ord. No. 94-11-2, § V, 11-7-94)
 - (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. (Ord. No. 95-9-11, 9-18-95)
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district). (Ord. No. 98-3-17)
 - 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. (Ord. No. 88-9-9, 9-6-88) (Ord. No. 85-7-17, 7-22-85)
 - 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. (Ord. No. 92-9-14, 9-8-92; Ord. No. 94-1-9, § III, 1-10-94; Ord. No. 94-6-6, § I, 6-6-94; Ord. No. 98-7-6, 7-6-98; Ord. No. 02-5-21, 5-20-02; Ord. No. 03-1-12, § III, 1-21-03; Ord. No. 07- 5-07; Ord. No. 09-4-19, § 1, 4-20-09)
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. (Ord. No. 08-8-9, § XI, 8-18-08)
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 (Ord. No. 82-6-9, § III, 6-7-82; Ord. No. 98-1-3, § III, 1-5-98)

ANALYSIS

The applicant requests rezoning from R-1B back to C-2 on Riverbriar Subdivision Phase II. The property was zoned from C-2 to B-1 in 1999 in order to facilitate development of low-density residences. Residences have been built on the northern portion of that original area rezoned to R-1B—Riverbriar Phase I. Riverbriar Subdivision Phase II, completed in 2005, created four residential lots in the front yard of the Murray residence. One residence was built in 2005. Three lots remain vacant. Riverbriar Phase II is the area that the property owners request be rezoned back to C-2.

In order to receive a recommendation for approval, a rezoning request must meet all of the criteria of at least one of the tests listed in applicable regulations. As a request to change back to the 1981 zoning that is also in line with the recommendations of the 2030 Comprehensive Plan, **this request meets all the criteria of the third test**, which is designed to ensure that the proposed zoning change is in keeping with zoning law and precedent, and protect the public interest by not creating incompatible or unrelated land uses that negatively affect neighboring properties. The request meets all the criteria of the third test in that it is not just an expansion of one C-2 zoning districts along River Road, it will connect two C-2 zoning districts, making the zoning district contiguous again—therefore it is not a spot zone.

Rezoning to C-2 would comply with the Future Land Use map and the current area development should limit the negative impacts to adjacent residential property.

DEPARTMENTAL RECOMMENDATION

Approval.