

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZSPU 2017-10

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 11/7/17**
Ormond Center One, LLC
13760 River Road
Destrehan, LA 70047
(985) 764-7275; joey@murrayarchitects.net
- ◆ **Location of Site**
121 Ormond Center Court, Suite O, Destrehan
- ◆ **Requested Action**
Off-track betting establishment Churchill Downs Louisiana Horseracing Company, LLC, d/b/a Fair Grounds

SITE-SPECIFIC INFORMATION

- ◆ **Size of Suite**
7050 square feet
- ◆ **Current Zoning and Use**
C-2, General Commercial – Retail Sales; a special permit is required for off-track betting establishments in this zoning district
- ◆ **Surrounding Zoning and Land Uses**
C-2 zoning is located to the north and east; R-1A and O-L zoning to the south; C-3 zoning to the west.

Commercial buildings and uses are located to the north and east; single family residential homes are located to the south; undeveloped land is located to the west.
- ◆ **Utilities**
Standard utilities serve the suite and can adequately serve the proposed use.

APPLICABLE REGULATIONS

[III.] C-2 General commercial district— Retail sales:

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.**

Appendix A. Section IV.

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.

3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening
 - f. Signage
 - g. Height and bulk of structures
 - h. Location and direction of site lighting

Appendix A. Section IV. Waiver to zoning regulations for special permit uses.

- a. Should the Planning and Zoning Director find that the literal enforcement of one (1) or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, the application may be forwarded to the Planning Commission to request a waiver with a supporting resolution from the Parish Council.
- b. Financial hardships shall not be considered as valid criteria for any such waiver to existing regulations.
- c. Any application for special permit which contains a request for a waiver shall contain a specific reference to the request and state the reasons that the request be granted.
- d. The Planning Commission, with a supporting resolution of the Parish Council, may grant a waiver to these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

<p>SPU CRITERIA COMPLIANCE</p>

The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan*

The St. Charles Parish Comprehensive Plan designates the Future Land Use of the site as General Commercial which applies to uses permitted in the C-2 and C-3 zoning districts. The proposed use is permitted as an SPU in the C-2 zoning district;

COMPLIES

2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* Site development, building design, and transportation features already exist, and the proposed use does not require changes them.

With regard to hours of operation, the current tenant allows members 24 hour access to exercise equipment in Suite O. Other businesses in the strip mall include office, retail, and restaurants that appear to be open during regular business hours—9:00/10:00 am to 5:00/6:00 pm for office and retail tenants. Restaurant hours range from as early as 7:00 am and as late as "til." The applicant requests the following hours of operation: Sunday through Tuesday, 8 a.m. until 1 a.m.; Wednesday and Thursday, 8 a.m. until 2 a.m.; Friday and Saturday, 8 a.m. until 4 a.m. While the proposed hours of operation are longer than those of other tenants, they are not necessarily incompatible. **COMPLIES**

3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* No changes are proposed; the existing facilities provide adequate and convenient; **COMPLIES**
4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.* A 7050 square foot off-track betting establishment may require more parking at certain times than the existing 24-hour member-only fitness center. The departments recommends signage to assign parking for the existing tenants in this strip mall and also for the adjacent medical offices. Should the Planning Commission stipulate that tenant parking be assigned by signage, the request **COMPLIES**.
5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* The new use is going into an already

established shopping mall and would not create any additional hazards or impacts compared to what already exists; **COMPLIES**

6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*

- a. Required yards and open space*
- b. Ingress and egress to property*
- c. Parking and loading areas*
- d. Location of garbage facilities*
- e. Landscaping, buffering, and screening*
- f. Signage*
- g. Height and bulk of structures*
- h. Location and direction of site lighting*

No changes to the site are proposed, however, the Department recommends that existing parking be assigned with signage. New signage will be evaluated with any permits that may need to be applied for; **COMPLIES**

ANALYSIS

The applicant requests approval to permit and operate a gaming business, an off-track betting establishment, in a 7050 square foot suite at west end of a strip mall in a C-2 zoning district. These establishments generally offer video gaming and on-premise consumption of alcohol. Ordinance 07-10-10 was passed in 2007 to require this type of business to be heard by both the Planning Commission and Parish Council.

Generally, a Special Permit must meet zoning district requirements (spatial requirements and special provisions), supplemental regulations, and site design requirements. This request is for specific activities, off-track betting, video gaming, and alcoholic beverages sales for on-site consumption, to be permitted within a building on a site that already meets zoning district requirements, supplemental regulations, and site design requirements.

The commercial use complies with the Comprehensive Plan and meets all the criteria for evaluating a Special Permit Use.

DEPARTMENT RECOMMENDATION

APPROVAL with the stipulation that the owner provides signage to reserve parking spaces for existing tenants and adjacent businesses.