



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043

(504) 278-4228 Fax (504) 278-4209

www.sbpq.net

#24

Guy McInnis
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at Large*

George Cavnac
*Councilman
at Large*

Ray Lauga, Jr.
*Councilman
District A*

Nathan Gorbay
*Councilman
District B*

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*Councilman
District C*

Casey W. Hunnicutt
*Councilman
District D*

**Manuel "Monty"
Montelongo III**
*Councilman
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 15, 2015 AT THREE O'CLOCK P.M.

On motion of Mr. Lewis, seconded by Mr. Gorbay, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1684-09-15

Summary No. 3279

Planning Commission recommended **APPROVAL** with conditions on 8/25/15

Introduced by: Administration on 9/1/15

Public hearing held on 9/15/15

AN ORDINANCE TO APPROVE **DOCKET Z-2015-015**, PETITION OF MBK INVESTMENTS, LLC BEING REPRESENTED BY BURT LATTIMORE FOR A ZONING CHANGE FROM "R-1,(SINGLE FAMILY RESIDENTIAL)" TO "C-2,(GENERAL COMMERCIAL)" AND A CONDITIONAL USE PERMIT IN A C-2 (GENERAL COMMERCIAL) FOR THE PROPERTY DESIGNATED AS LOT C-2 IN THE PARISH OF ST. BERNARD, NEW ORLEANS TERMINAL TRACT.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2015-015**, petition of MBK Investments, LLC being represented by Burt Lattimore for a Zoning Change from "R-1,(Single Family Residential)" to "C-2,(General Commercial)" and a Conditional Use Permit in a C-2 (General Commercial) for the following described property:

One certain lot of ground situated in the Parish of St. Bernard, New Orleans Terminal Tract, designated as Lot C-2.

The Planning Commission recommends APPROVAL with the following CONDITIONS:

1. No building permits or licenses for this project shall be issued until final development plans are approved and recorded. Site plan approval shall become null and void in one (1) year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved per Section 22-10-1.3(h) of the Zoning Code.
2. The applicant shall have one (1) entrance point and exit point located near Livingston Ave and Ramoncita Drive.



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Extract #24 continued

September 15, 2015

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George Cavnac
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3. The applicant shall submit a drainage plan and all water connection plans (as needed), subject to the review and approval of the Departments of Water and Sewer and Public Works.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Lauga, Gorbaty, Lewis, Montelongo, McInnis

NAYS: None

ABSENT: Hunnicutt

The Chairman, Mr. Cavnac, cast his vote as **YEA**.

And the motion was declared **adopted** on the 15th day of September, 2015.



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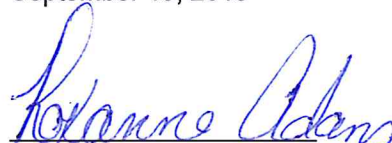
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Extract #24 continued
September 15, 2015


ROXANNE ADAMS
CLERK OF COUNCIL


GEORGE CAVIGNAC
COUNCIL CHAIRMAN

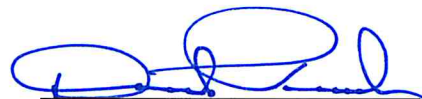
Delivered to the Parish President

9/18/2015 10:45am
Date and Time

Approved 

Vetoed _____

Parish President


David E. Peralta

Returned to Clerk of the Council

9/18/2015 1:01 PM
Date and Time

Received by



ZONING CHANGE & CONDITIONAL USE

SUMMARY NO. 3279

ORDINANCE SBPC #1684-09-15

Docket
Z- 2015-015

Owner/Representative
MBK Investments, LLC

Property Location

The property is located on Lot C-2 of the New Orleans Terminal Tract, bounded by Livingston Avenue, E. Claiborne Square and W. Judge Perez Drive.

Reason For Request

A zoning change and conditional use to allow the site to be developed as a vehicle storage lot.

I. Executive Summary:

Zoning Docket Z-2015-015 is a request for a Zoning Change from an R-1 (Single-Family Residential) district to a C-2 (General Commercial) district and a Conditional Use Permit in a C-2 (General Commercial) zoning district to operate a vehicle storage lot. The petitioned property consists of one (1) single lot of record with a total area of 49,638 sq. ft. or 1.14 acres +/- . The applicant proposes to develop the site as a Vehicle Storage Lot for the non-temporary storage of operable private, rental, recreational and towable vehicles.

The staff of the Department of Community Development had re-evaluated the request and no longer considers the request a spot zone due to its overall size, linear configuration and being adjacent to a similar commercially zoned district.

The staff also anticipates that negative impacts or effects on adjacent and surrounding residential land uses could be mitigated through the use of conditions stipulated in the design review section of this report. The request is inconsistent with the Comprehensive Plan designation of Medium Density Residential. The Commission stated that the Comprehensive Plan is available for interpretation in certain circumstances such as the request in a previous public hearing; however, the staff of the Department of Community Development cannot recommend any request for approval that is inconsistent with the Comprehensive Plan. For this reason alone, the staff recommends **DENIAL** of the requested zoning change and conditional use to allow the property to be developed as a Vehicle Storage Lot.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property

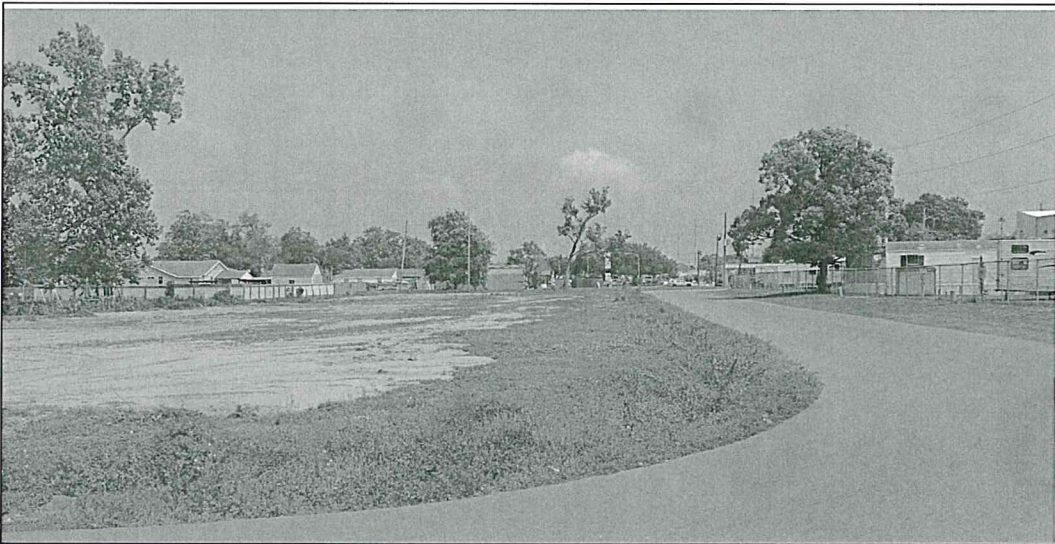


Source: Google Maps (Image Date 10/31/2014)

B. Site Description:

The subject site is located on Lot C-2 of the New Orleans Terminal Tract. Lot C-2 fronts onto Livingston Avenue and is currently located within the R-1 (Single Family Residential) district. Lot C-2 is a rectangular shaped lot that measures 102.45' in width (front property line), 491.17' in depth (interior side property line), 98.20' in width (rear property line) and 494.78' in depth (corner lot side property line) for a total area of 49,638 sq. ft. or 1.14 acres. As shown in Images #2 and #3 below, the site is currently an undeveloped lot. The applicant requests the zoning change to C-2 (General Commercial) and a conditional use to develop the site as a vehicle storage lot.

Images #2 and #3: Current Site Conditions



Source: Staff Photograph (4/10/15)

C. Surrounding Land Uses and Zoning

The petitioned site fronts onto Livingston Avenue and is currently vacant land. As shown in Image #4 below, the petitioned property is located within a large R-1 (Single Family Residential) district. The R-1 district consists primarily of single-family residential dwellings, permanent mobile home dwellings and vacant lots. A C-1 Neighborhood Commercial district is located adjacent to the north and east of the site. The C-1 district to the north is developed with vacant land followed by a strip mall then W. Judge Perez Drive. The C-1 district located to the east is developed with an existing mobile home park followed by an R-1 district.

Image #4: Adjacent and Surrounding Zoning Districts



Source: Arc GIS Parish Zoning Map (unofficial)

D. Design Review of Site Plan:

Section 22-2-4 - Interpretation: Definitions

Vehicle Storage Lot: An open, hard surfaced parking area used for the non-temporary storage of operable private, rental, recreational and towable vehicles.

The applicant's request and provided documents, shown in the appendix of this report, will be assessed under the following criteria:

1. Harmony with the area (Section 22-8-2.1):

The petitioned property is immediately adjacent to both existing mobile home and single-family residential developments. The property is also bounded to the north by vacant land then commercial development fronting onto W Judge Perez Highway. The proposed C-2 district does allow a vehicle storage lot as a conditional use subject to the definition provided above. The C-2 district allows many commercial, offices, automotive as well as limited residential uses. The staff believes that if the petitioned project were to be re-zoned to C-2, then the impacts of the vehicle storage lot to adjacent residential areas could be mitigated through conditions listed within Section D of this report.

2. Adequate access (Section 22-8-2.2):

The applicant proposes use of one (1) ingress/egress point for the development along Livingston Ave., near Ramoncita Drive. The staff believes that a vehicle storage lot at this location will generate additional traffic demands onto Livingston Ave. and the adjacent minor roadways. The staff also believes that the development, if approved, should have two (2) ingress/egress points with one-way interior site traffic flow. Specifically, the Livingston Ave and Ramoncita Drive ingress/egress point should be the sites main entrance with an exit located near the roadway curve closest to W. Judge Perez Highway. W. Judge Perez Highway itself currently receives heavy traffic volumes and the staff does not perceive a significant impact to that roadway. Due to the petitioned site being utilized as a non-temporary vehicle storage lot, the staff does not expect a significant inconvenience to area residences as a result of daily site operations.

If the project were to be approved, the staff recommends the following condition to site access as a part of the approval:

- The applicant shall have one (1) entrance and exit point located near Livingston Ave and Ramoncita Drive.

3. Adequate infrastructure (Section 22-8-2.3):

The staff believes adequate infrastructure is in place for this activity, subject to operational standards permitted by Local, State and Federal agencies.

If the project were to be approved, the staff recommends the following conditions to the public rights-of-way and

servitudes as a part of the approval:

- The applicant shall submit a drainage plan and all water connection plans (as needed), subject to the review and approval of the Departments of Water and Sewer and Public Works.

4. Compatible design (*Section 22-8-2.5*):

The applicant is proposing new development of a vehicle storage lot at the petitioned property. As shown above, the staff recommended changes to site ingress/egress points. The applicant is proposing vehicular parking stalls, perimeter landscaping, perimeter fencing, an interior driveway for the site and crushed limestone or rock for the site's driveway. The driveway and traffic aisles shall be at least twelve (12) feet wide unless modified by the department of community development.

5. Public health, safety and welfare (*Section 22-8-2.6*):

The staff has not received comment from other municipal, state or federal agencies with regard to public health, safety and welfare as it relates to the petitioned projects. The staff does not believe that public health, safety and welfare would be negatively impacted as result of this project.

6. Residential impact (*Section 22-8-2.7*):

As stated above, some area residents may be impacted by the proposed vehicle storage lot project. However, the staff believes the site can mitigate these perceived impacts through the use of conditions stipulated within the design review section of the report (screening, landscaping, tree planting, etc.) and due to its location near a State Highway. For this reason, the staff does not anticipate significant environmental or operational impacts to adjacent and surrounding residential developments with regard to its proposed use.

E. Purpose of proposed rezoning and effect(s) on adjacent land uses:

The applicant intends to utilize the site for the non-temporary storage of operable private, rental, recreational and towable vehicles. Specifically, the applicant describes the anticipated use as an RV parking lot and storage. The parked vehicles are not anticipated to serve as temporary living quarters or for semi-permanent or permanent storage. For these reasons, the staff believes the petitioned use is defined as a vehicle storage lot, which is allowed by conditional use in the proposed C-2 (General Commercial) district.

The site bounds an existing C-1 district to the north and east and an existing R-1 district to the south and west. While the land uses to the north and east would be moderately impacted, the staff believes the residential land uses to the south and west may be significantly impacted due to the proposed use. These impacts could be mitigated through site development standards such as fencing, screening, drainage and landscaped setbacks; however, the petitioned use would most certainly have some degree of impact greater than its current use or uses allowed under the R-1 district. The zoning change to C-2 district would also allow many other uses such as retail and service establishments, grocery stores (under 18,000 sq. ft.), restaurants, hotels, offices, warehousing and automotive service centers. However, site use though zoning change could be managed through the conditional use proposal of this request (i.e. zoning change approval is subject to the applicant meeting the requirements of the conditional use for a vehicle storage lot). For these reasons, the staff also believes the zoning change is appropriate as the anticipated use could be mitigated through the use of development conditions.

F. Can the request be considered a spot zone?

No. For a request to be considered a spot zone, a petitioned property would consist of a parcel that is singled out for treatment dissimilar to that of surrounding parcels. As shown above, the request consists of one (1) lot that totals 1.14 acres. As the request consists of one (1) parcel that is petitioned to be zoned differently from the adjacent lots, the staff believes the request could be considered a spot zone. However, the lot is in excess of one (1) acre. The staff believes that the intent of a spot zone classification should not apply to larger lots such as the petitioned property. In reality, linear properties of this size could be zoning districts unto themselves. In addition, the property bounds C-1 districts to the north and east. As far as property uses goes, the C-1 and C-2 districts are very similar. For these reasons, the staff does not consider the petitioned property to be a spot zone.

G. Special Considerations:

The applicant had previously applied for the zoning change (Z-2015-007) but withdrew the request pending the approval of TC-2015-004 which defined the use *Vehicle Storage Lot* and TC-2015-005 which allowed a *Vehicle Storage Lot* as a Conditional Use in a C-2 (General Commercial) district.

At its May 26, 2015 Public Hearing, the St. Bernard Parish Planning Commission stated that the petitioned use would need to be evaluated as a *Vehicle or Parts Storage* use which was only allowed as a Conditional Use in Industrial zoning districts. The Commission also recognized the conflict with the Comprehensive Plan designation of "Medium Density Residential" for the site. The Commission also stated that in instances such as the petitioned site, that Comprehensive

Plan designation could be viewed as a living document available for interpretation to reflect new land use requests. The Commission tabled Zoning Docket Z-2015-007 and instructed the staff to review all automotive uses as Text Amendments to the Zoning Code at its next meeting.

At its June 23, 2015 Public Hearing, the St. Bernard Parish Planning Commission recommended approval of several Text Amendments to the Zoning Code regarding automotive uses including a new definition for a *Vehicle Storage Lot* and allowing this use as a Conditional Use in a C-2 district. The Commission again tabled Zoning Docket Z-2015-007 pending the approval of the automotive uses Text Amendments. The Parish Council subsequently approved the text amendments following the Commission's recommendation.

At its July 28, 2015 Public Hearing, the St. Bernard Parish Planning Commission informed the applicant about the new automotive uses standards and tabled Zoning Docket Z-2015-007 again to allow the applicant to review options regarding the request. The applicant withdrew Zoning Docket Z-2015-007 and re-applied with the Department of Community Development for this request; a Zoning Change from an R-1 (Single-Family Residential) district to a C-2 (General Commercial) district and a Conditional Use Permit in a C-2 (General Commercial) zoning district to operate a vehicle storage lot.

III. Comprehensive Plan:

The Land Use Map of the Comprehensive Plan designates this area as "Medium Density Residential". The proposed rezoning is **inconsistent** with this designation. The land use and density definitions for this designation are shown below:

MEDIUM DENSITY RESIDENTIAL

Land Use/Density: Single-family @ 4-5 units/acre. Small multi-family @ 12 units/acre and 4 to 12 units per acre.

The applicant is requesting a zoning change from an R-1 (Single Family Residential) district to a C-2 (General Commercial) district and a conditional use to allow a vehicle storage lot. Commercial uses are not defined with the Land Use/Density description for the Medium Density Residential designation; therefore the petitioned zoning change is **inconsistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2015-015 is a request for a Zoning Change from an R-1 (Single-Family Residential) district to a C-2 (General Commercial) district and a Conditional Use Permit in a C-2 (General Commercial) zoning district to operate a vehicle storage lot. The petitioned property consists of one (1) single lot of record with a total area of 49, 638 sq. ft. or 1.14 acres +/- . The applicant proposes to develop the site as a Vehicle Storage Lot for the non-temporary storage of operable private, rental, recreational and towable vehicles.

The staff of the Department of Community Development had re-evaluated the request and no longer considers the request a spot zone due to its overall size, linear configuration and being adjacent to a similar commercially zoned district.

The staff also anticipates that negative impacts or effects on adjacent and surrounding residential land uses could be mitigated through the use of conditions stipulated in the design review section of this report. The request is inconsistent with the Comprehensive Plan designation of Medium Density Residential. The Commission stated that the Comprehensive Plan is available for interpretation in certain circumstances such as the request in a previous public hearing; however, the staff of the Department of Community Development cannot recommend any request for approval that is inconsistent with the Comprehensive Plan. For this reason alone, the staff recommends **denial** of the requested zoning change and conditional use to allow the property to be developed as a Vehicle Storage Lot.

V. Staff Recommendation:

The staff recommends **DENIAL** of Z-2015-007, a request for a Zoning Change from an R-1 (Single-Family Residential) district to a C-2 (General Commercial) district and a Conditional Use Permit in a C-2 (General Commercial) zoning district to operate a vehicle storage lot.

VI. Reason for Recommendation:

1. The request is inconsistent with the Comprehensive Plan.