



Planning Department

Bessie L. Martin
Director

STAFF REPORT

Docket No. EZ-21-23

Summary No. 26284

Map Amendment

PARISH COUNCIL
A: Jennifer Van Vrancken
B: Scott Walker
1: Marion F. Edwards
2: Deano Bonano
3: Byron Lee
4: Arita M.L. Bohannon
5: Hans J. Liljeberg

Cynthia Lee Sheng
Parish President

504-736-6320 | Yenni Building, 1221 Elmwood Park Blvd, Ste 601, Jefferson, LA 70123 | jjplanning@jeffparish.net

Location: 1529 Clearview Pkwy.

Council District: 5

Legal Description: Lot 52-B, Square 111-B Bridgedale Section C Subdivision; bounded by Clearview Pkwy., Windsor St., Green Ave., and Shaw St.

PAB Hearing: 2/29/24

Last Meeting Date for Council Action: 6/12/24

Owner: MJ RIO Investment LLC

Applicant: Jerson Dubon

CURRENT ZONING/FUTURE LAND USE

RR-3 Three- and Four-Family Residential / CPZ Commercial Parkway Overlay Zone

MU Mixed-Use

REQUEST

C-2 General Commercial / CPZ Commercial Parkway Overlay Zone

MU Mixed-Use



RECOMMENDATIONS

Planning Department: Denial for the following reasons:

- The uses and building height permitted in the proposed C-2 district are incompatible with the nearby R-1A, RR-3 and GO-2 developments. The area is predominately residential with some light-commercial uses.
- The request results in a “spot zone” which goes against planning best practices.
- The requested amendment does not meet the approval criteria for map amendments of Sec. 33-2.21.4.(e).

Planning Advisory Board: Denial (See PAB minutes)

CONSISTENCY WITH ENVISION JEFFERSON 2040

The proposed zoning change is not consistent with the following objectives and goals of the comprehensive plan:

Land Use Section:

- Goal 1, Objective 6 – “Employ best planning practices and effective regulatory tools”
- Goal 2, Objective 6 – “Protect residential neighborhoods from incompatible development or redevelopment”

FINDINGS

1. The petitioned property is located on Clearview Parkway. It has 45.61 ft. of average width, 150.04 ft of average depth, and 6,843.32 sq. ft. of total area. The lot is deficient in RR-3 Three- and Four-Family Residential width requirements. The lot is developed with an approximately 1,200 sq. ft. warehouse.
2. The petitioned property has been zoned RR-3 Three- and Four- Family Residential since a 1973 Clearview Pkwy map study (Ordinance 11564). The property was previously zoned R-1 Single-Family Residential. The CPZ Commercial Parkway Overlay Zone was extended over the property in 1991 via Ordinance 18367.
3. In 1998, there were two petitions to rezone nearby properties from RR-3 Three- and Four-Family to GO-2 General Office district. The property at 1612 Clearview Pkwy was rezoned via Ordinance 20495 (Planning Docket E-28-98); this is now the Prosthetic and Orthotic Associates of Louisiana office. The property at 1509 Clearview Pkwy was rezoned via Ordinance 20548 (Planning Docket E-38-98); this property is now a tailoring studio. The Planning Department recommended approval in both of these cases citing the increase of GO-2 General Office properties along Clearview Pkwy, the compatibility of GO-2 uses and adjacent residential uses, and the CPZ buffering requirements which would further protect the adjacent residential uses. There was an additional request to rezone the property at 1509 Clearview Pkwy from GO-2 to C-1 Neighborhood Commercial district via E-22-00. The Planning Department recommended denial for this request and the Jefferson Parish Council denied the petition. The Planning Department report for this case states that C-1 uses would be incompatible with the adjacent land uses as the C-1 district is less restrictive than the GO-2 district and permits more intensive commercial activity.
4. The requested C-2 General Commercial district has no minimum lot dimension requirements. The lot does not meet the general development standards of *Sec. 33-6.6.1 Lot Standards (B) Lot area*: 50 ft. of width at the front line and 5,000 sq. ft. of lot area. The petitioned property’s width is insufficient.
5. The Commercial Parkway Overlay Zone (CPZ) requires a minimum site area of ten thousand (10,000) sq.ft., frontage of seventy-five (75) ft., and depth of one hundred (100) ft., per *Sec. 40-474(b) Area Regulations*. The lot does not meet the

minimum lot area and frontage requirements. (Figure: Survey). The lot already has the CPZ overlay, and the insufficient lot area and frontage are existing conditions.

6. The following zoning districts and land uses are found near the petitioned property (Figure: Zoning & Noted Land Use):
 - a. The properties to the north are zoned RR-3 Three- and Four-Family Residential with the CPZ overlay. The lots contain single-family homes and four-family apartment buildings.
 - b. The properties on the west side of Clearview Pkwy are zoned GO-2 General Office and RR-3 Three- and Four-Family Residential; all of the lots have the CPZ overlay. The lots contain an office to the northwest, four-family apartment buildings to the west, and townhomes to the southwest. The lots further west are zoned R-1A Single-Family Residential and contain single family homes.
 - c. The properties to the south are zoned GO-2 General Office and RR-3 Three- and Four-Family Residential; all of the lots have the CPZ overlay. The lots contain four-family apartment buildings, an accounting office, a tailor, and a single-family home.
 - d. The properties to the east are all zoned R-1A Single-Family Residential, and the lots all contain single family homes.
7. The lot is developed with an approximately 1,200 sq. ft. warehouse and/or garage. Warehouses and garages are not permitted uses within RR-3 Three- and Four-Family Residential district per Sec. 40-217 of the Code of Ordinances. There is a vacancy permit on file from 2014 for a meter repair (14-322193). A water meter was installed in 2019 (19-400674) and there was another meter release in 2021 after the building was hit by a truck (21-417573). There are no zoning clearances on file for any businesses at the site.
8. The purpose of the RR-3 Three- and Four-Family Residential district is to provide areas for the location of multiple-family structures of low and intermediate density with proper design and landscape standards. The RR-3 district is intended to serve as a transition zone between high density and low-density residential development, and between commercial and residential development. The purpose of the requested C-2 General commercial district is the retailing of goods and the furnishing of major services. This district characteristically occupies a larger area than the neighborhood commercial district (C-1) since it is intended to serve a greater population and to offer a wider range of services. The purpose of the RR-3 district is more in line with the location of the petitioned property than the requested C-2 district.
9. The RR-3 district permits two-, three-, and four- family residential development along with a few other non-residential uses intended to service the neighborhood (schools, churches, etc.). The C-2 district permits a wide variety of intense commercial uses; the district is far more permissive than the nearby GO-2 district or the nearby previously requested C-1 district. The applicant proposes to use this

property as an office and warehouse for his air-conditioning business. The proposed use is permitted within C-2 per section 40-522. C-2 is the most - restrictive district that also permits the warehousing of goods.

10. The intensity of the uses permitted in the C-2 district are incompatible with the nearby residential and small-scale commercial properties. C-2 zoning is designed for larger-scale commercial facilities located along major commercial corridors. There should be less intensive districts between C-2 districts and residential development to buffer the residential properties from the intense commercial uses. In this case, the proposed C-2 lot would be surrounded by the R-1A and RR-3 zoning districts; there would be no light-commercial or mixed-use buffer between the C-2 district and the adjacent residential properties. Additionally, there is no nearby C-2 zoning along Clearview Pkwy. The proposal results in a “spot zone” which goes against best planning practices.
11. The Planning Department previously recommended “denial” on the request to rezone the nearby property at 1509 Clearview Pkwy from GO-2 General Office to C-1 Neighborhood Commercial. The report for this case cites the incompatibility of C-1 uses with the nearby residential and office uses along Clearview Pkwy. The report also mentions that the size of the 50 ft. to 55 ft. wide lots common along Clearview Pkwy make larger-scale commercial development difficult. There have been no major changes along the relevant section of Clearview Pkwy since the E-22-00 report was written in the year 2000 that would make C-1 development appropriate today. C-2 General Commercial is more intense than C-1, so it is also not appropriate for the area.
12. The maximum height for any buildings located in the existing RR-3 district and the nearby R-1A and GO-2 districts is 35 ft. The maximum height for buildings in proposed C-2 district is 65 ft. The increase in permitted height is incompatible with nearby development. Similarly, the existing RR-3 district requires a 7.5 ft side yard and a 20 ft. rear yard. The C-2 district requires a 5 ft. side yard and a 15 ft. rear yard. The zoning change would permit development closer to, and much taller than, the adjacent residential properties (*Table 4*).

11. In determining its recommendation or decision, the planning director, PAB, and Council shall consider the *Approval criteria for Map Amendments of Sec. 33-2.21.4(e)(1)*. The proposed C-2 zoning district does not satisfy the criteria.

a. Whether the map amendment is consistent with the comprehensive plan.

The proposed rezoning results in a spot zone and encourages development that is incompatible with nearby land uses. The proposed zoning is not consistent with the Comprehensive Plan – Land Use Section: Goal 1, Objective 6 – “Employ best planning practices and effective regulatory tools” and Goal 2, Objective 6 – “Protect residential neighborhoods from incompatible development or redevelopment”

b. Whether the amendment is consistent with the purpose and intent of the UDC and Chapter 40 Zoning.

The proposal is not consistent with the purpose and intent of the UDC and Chapter 40 *Zoning*. Specifically, the uses and height permitted in the C-2 General Commercial district are incompatible with the nearby residential and light-commercial uses. The proposed C-2 lot is surrounded by R-1A and RR-3 zoning districts.

- c. *Whether the amendment will benefit the public health, safety, and welfare.*

Introducing C-2 General Commercial district zoning on a predominately residential stretch of Clearview Pkwy does not benefit the public, health, safety, and welfare

- d. *Whether the proposed zoning district and future land use map category are compatible, possibly compatible, or not compatible, in accordance with Table 33-2.21.4-1: Zoning and future land use compatibility matrix*

The property's future land use (FLU) is MU Mixed-Use. The C-2 General Commercial district is compatible with the MU category. However, the other factors of the case outweigh the FLU compatibility; C-2 zoning is not appropriate for this area regardless of the FLU category.

DEPARTMENT COMMENTS

| Table 2: Land Use Review Technical Committee (LURTC) Comments | | |
|--|-----------------|--|
| Department | Position | Comment/Stipulation |
| Public Works | Not opposed | <p>EZ-21-23 the Department of Public Works (on 01/02/2024) this “no objection” statement/letter is strictly based on technical issue(s). It does not address any potential Code of Ordinance violations/regulations. Such regulations shall be addressed by other departments such as Code Enforcement, Planning, etc. prior to the granting of a permit. Note any future construction or additions may require additional comments and/or requirements.</p> <ol style="list-style-type: none"> 1. Drainage Department has no comment. 2. Parkways has no comment. 3. Sewer Department has no comment. 4. Streets Department has no comment. 5. Traffic Engineering Division finds that the sight triangles are not an issue at this time and a TIA is not currently required. 6. Public Works Utilities has no comment. 7. Water Department has no objection. <p>Not opposed</p> |
| ICE-Building | Not opposed | Change of use will requires a separate permit. |

| Table 2: Land Use Review Technical Committee (LURTC) Comments | | |
|---|-------------|---|
| Department | Position | Comment/Stipulation |
| Engineering-Site Plan | Not opposed | <ol style="list-style-type: none"> 1. If a change of use requires additional parking, all required parking must be provided for the new use on this property, or meet the dedication of parking requirements; 2. Any portion of the public right of way used for private purposes, must be leased from Jefferson Parish. Contact the Parish Attorney's Office at (504) 736-6300 for more information. 3. The property owner is responsible for any damage to right of way improvements (including the existing sidewalks or driveways) during or after the construction of any new structure(s) or demolition of any existing structure(s). Any damage must be repaired, or improvements replaced in accordance to the Jefferson Parish Engineering standards. Please contact the department of Engineering at (504) 349-5173 or (504) 736-6793 prior to beginning any sidewalk / driveway apron construction. 4. Further comments will be made at the permit stage. Contact Site Plan Review at: (504) 349-5174 for more information and a complete list of requirements. |
| Parish Attorney | Not opposed | We will defer to the other departments for comments. |
| Fire | Not opposed | No comment |
| Environmental | Not opposed | No comment |

TABLES

| Table 3: History of subject property and surrounding 300 ft, within past 20-25 yrs | | | | |
|---|---------------------|----------------------|---|---------------------------------------|
| Date | Location | Request | PD/PAB Recommendation (Docket #) | Council Decision (Ordinance #) |
| 11/4/1998 | 1612 Clearview Pkwy | RR-3/CPZ to GO-2/CPZ | Approval/Approval (E-28-98) | Approved (20495) |
| 1/13/1999 | 1509 Clearview Pkwy | RR-3/CPZ to GO-2/CPZ | Approval/Approval (E-38-98) | Approved (20548) |
| 9/20/2000 | 1509 Clearview Pkwy | Go-2/CPZ to C-1/CPZ | Denial/Denial (E-22-00) | Denied |

| Table 4: Comparison of zoning districts for subject property | | |
|---|-----------------|----------------|
| Requirement | RR-3/CPZ | C-2/CPZ |
| Front Yard Setback | 25 ft. | 25 ft. |
| Rear Yard Setback | 20 ft. | 15 ft. |
| Side Yard Setbacks | 7.5 ft. | 5 ft. |
| Height | 35 ft. | 65 ft. |
| Lot Area | 10,000 sq. ft. | 10,000 sq. ft. |



Planning Department

Aerial

1529 Clearview Pkwy.

Rezoning from
RR-3 Three- and Four-Family
Residential / CPZ Commercial
Parkway Overlay Zone to C-2
General Commercial / CPZ
Commercial Parkway Overlay Zone

Docket No. EZ-21-23

Summary No. 26284

Council District 5



FIGURE 1



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.



Planning Department

Survey

1529 Clearview Pkwy.

Rezoning from
RR-3 Three- and Four-Family
Residential / CPZ Commercial
Parkway Overlay Zone to C-2
General Commercial / CPZ
Commercial Parkway Overlay Zone

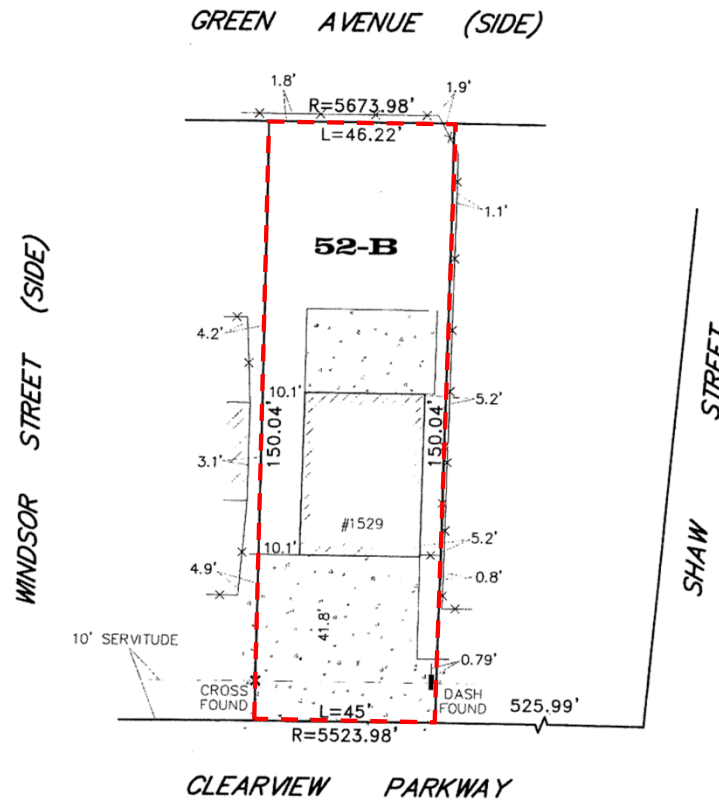
Docket No. EZ-21-23

Summary No. 26284

Council District 5



FIGURE 2



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.



Planning Department

Google Streetview Imagery

1529 Clearview Pkwy.

Rezoning from
RR-3 Three- and Four-Family
Residential / CPZ Commercial
Parkway Overlay Zone to C-2
General Commercial / CPZ
Commercial Parkway Overlay Zone

Docket No. EZ-21-23

Summary No. 26284

Council District 5

FIGURE 2





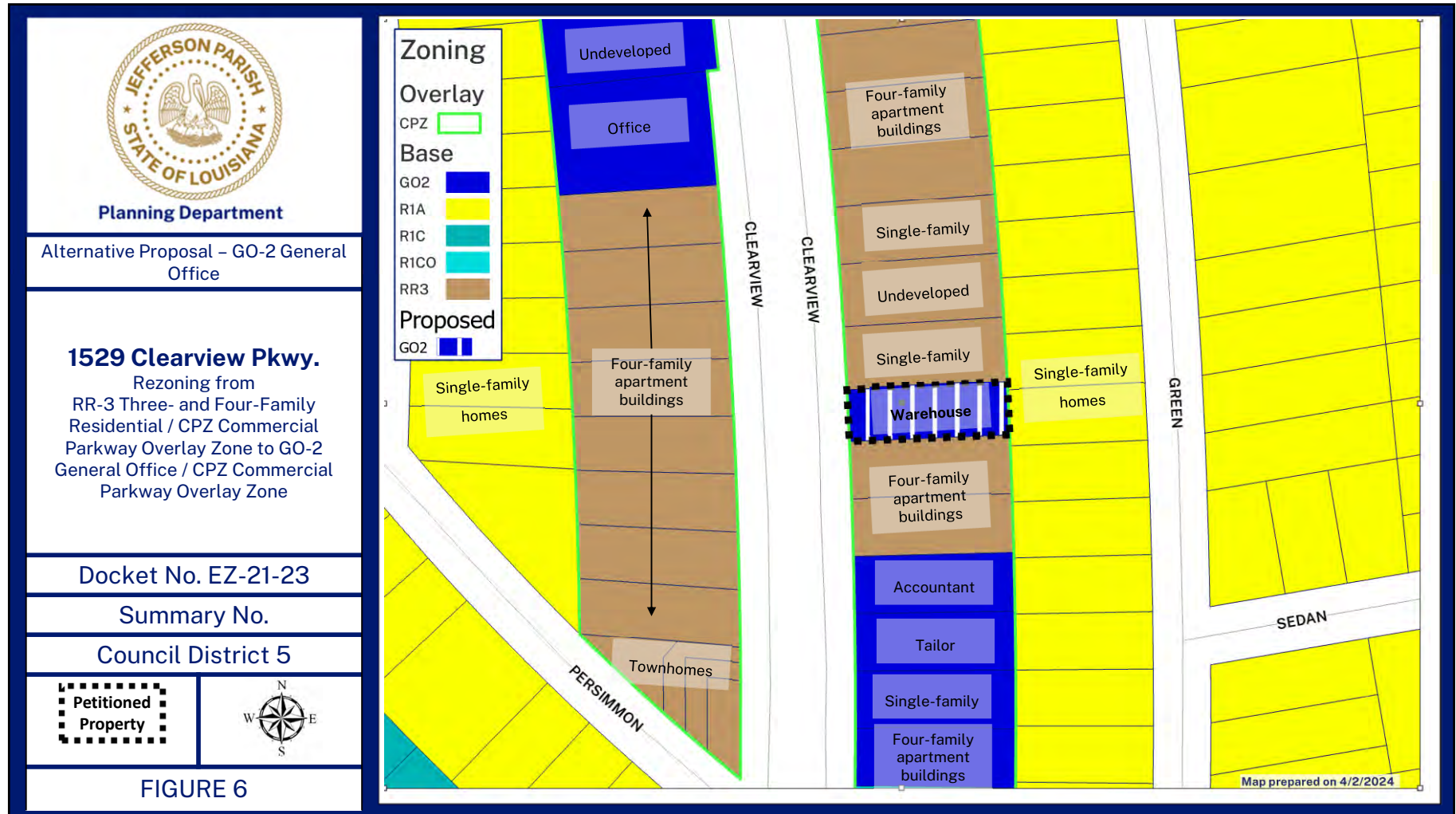
All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.



All users acknowledge that the content of these graphics were submitted and/or created specifically as demonstrative aides for the related land use matter being presented by the Jefferson Parish Planning Department identified with the appropriate docket number provided above. As such, Jefferson Parish makes no warranty as to the reliability or accuracy of the maps, their associated data tables and/or any graphics included in this presentation. Furthermore, Jefferson Parish is not responsible for the inaccuracies that could have occurred due to errors in the original data input or subsequent update process. All users of these graphics produced in connection with the related land use matter identified above specifically acknowledge, agree and accept that any zoning and/or land uses identified in said graphics are solely intended to be a demonstrative aide in the related land use matter and, as such, should not be relied upon outside of said related land use matter. User assumes all responsibility for verifying accuracy of data for any intended use.