



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2023-11-R

APPLICATION INFORMATION

- **Submittal Date:** 7/5/23
- **Applicant / Property Owner**
Parish President Matthew Jewell at the recommendation of the Planning and Zoning Department, on behalf of:

Cheryl Schexnayder Matherne
P.O. Box 364
Hahnville, LA 70057
- **Request**
Change of zoning from *C-1, General Commercial District-Commercial Offices* to *R-1A, Single Family Residential Detached Conventional Homes-Medium Density*

SITE INFORMATION

- **Location**
138 & 164 Schexnaydre Lane, Hahnville; Lots 1A & a portion of Lot 2A.
- **Size:** approximately 40,766 sq. ft. (0.93 acres)
- **Current Use**
Lots 1-A and 2-A are developed with residential structures.
- **Surrounding Zoning**
C-1 zoning is adjacent to the River Road side; R-1A zoning is adjacent to the Schexnaydre Lane side and to the rear; O-L zoning is adjacent to the Thelma Lane side.
- **Surrounding Uses**
A commercial metal building is adjacent to the River Road side; single family homes are adjacent to the Schexnaydre Lane side and to the rear; a site-built house and manufactured homes are on the property adjacent to the Thelma Lane side.
- **Zoning History**
The C-1 zoning district was established with approval of Ordinance No. 84-4-11 (PZR-84-05).

The Parish's official zoning map shows this C-1 district starting at River Road and extending approximately 620 ft. down Schexnaydre Lane. It encompasses the lot addressed as 16103 River Road, all of Lot 1-A and nearly half of Lot 2-A.

After reviewing the documents in original rezoning file Planning and Zoning determined the C-1 district should be limited to the property addressed to 16103 River Road and developed for commercial purposes. Lots 1-A and 2-A should have remained under their original R-1A zoning.

- **Future Land Use Recommendation**
Commercial: This category includes single-use commercial, retail, office and service uses. Commercial areas should seek to strengthen existing retail and service uses, encourage the introduction of new uses, and introduce complementary adjoining uses such as public facilities and moderate-density residential, to reinforce the retail base and support the continued health of these uses. Commercial uses must be consistent with the surrounding area and compatible with adjacent uses.

Low-to-Moderate Residential: Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (over six dwellings per acre)

▪ **Flood Zone & Minimum Building Elevation**

X zone / DFIRM X

▪ **Traffic Access**

Access is provided to River Road via Schexnaydre Lane, an 18-20 ft. wide private road consisting of an aggregate surface.

▪ **Utilities**

Parish GIS does not show public water and sewer facilities on Schexnaydre Lane. Permit information indicates structures fronting the private road utilize individual sewer treatment. Water is likely available via private lines connecting to Parish water on River Road.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[I.] *R-1A. Single family residential detached conventional homes—Medium density.*

Policy statement: This district is composed of areas containing one-family dwellings constructed on a permanent foundation, connected to public utilities and which meet the architectural standards of a permanent residence. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Site-built single-family detached dwellings
 - (2) Accessory uses
 - (3) Private recreational uses
 - b. Special exception uses and structures include the following:
 - (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
 - (2) Showing the operation of historic buildings and/or sites and their related activities, provided a certificate from the United States Department of Interior is furnished by the owner verifying that the building and/or site is on the National Register of Historic Places.
 - (3) Accessory uses to golf courses and country clubs limited to the following:
 - art studios
 - churches and religious institutions
 - commercial recreation facilities
 - commercial schools
 - personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
 - professional offices, examples include but are not limited to doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance
 - restaurants and cafeterias
 - c. Special permit uses and structures include the following:
 - (1) Child care centers.
 - (2) Public and private schools (except trade, business, and industrial).
 - (3) Golf courses (but not miniature courses or driving ranges), country clubs, and accessory commercial uses on such properties.
 - (4) Educational, religious and philanthropic institutions. These buildings must be set back from all yard lines a distance of at least one (1) foot for each foot of building height.
 - (5) Modular, panelized and precut homes, provided that they are placed on a permanent foundation.
 - (6) *Reserved.*
 - (7) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
 - (8) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.
 - (9) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.
2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet.
 - b. Minimum yard sizes:
 - (1) Front—Twenty (20) feet.
 - (2) Side—Five (5) feet.
 - (3) Rear—Twenty (20) feet.
 - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.

- (5) 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.
- c. Accessory buildings:
 - (1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
 - (2) The accessory building shall not exceed two-story construction.
 - (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.
 - (4) Nonresidential accessory buildings shall not be permitted.
- d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
 - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

Appendix A. Section XV. - Amendment procedure

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
 - 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.

E. Rezoning approval criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:

1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map, also
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

REZONING GUIDELINE & CRITERIA EVALUATION

1. *The proposed rezoning conforms to the 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.*

The majority of Lot 1-A and all of Lot 2-A fall under the *Low-Moderate Residential* FLUM designation. A portion of Lot 1-A and the adjacent portion of Schexnaydre Lane fall under the *Commercial* designation. The R-1A zoning district complies with the Low-Moderate Residential designation and would not be considered a spot zone as it expands upon an established R-1A district. As part of this request the Department recommends changing the portion of the subject site under the Commercial designation to Low-Moderate Residential. Any commercial zoning or FLUM designations should have been limited to the commercially developed lot addressed as 16103 River Road. **The request meets the first guideline.**

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 and the proposed zoning does.*

The rezoning creating the C-1 district was approved in 1984 (PZR-84-05). As referenced previously in this report the Department found the C-1 district should have been limited to the commercially developed lot addressed as 16103 River Road. Changes to the land-use pattern/character since the 1984 rezoning include a resubdivision establishing subject Lots 1-A and 2-A (PZS-96-24) and the permitting of

a single family home on Lot 2-A (Permit No. 11512-96). The current use of the subject area for residential purposes does not fit under the C-1 zoning district. Additionally, the commercial zoning can be considered unreasonable since expansions of the residential uses within its boundaries could require approval as a Special Permit Use. **The request meets the second guideline.**

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 subject area is currently developed for residential purposes. Lot 1-A contains a historic residential structure currently under repair and Lot 2-A was developed with a site-built home in 1996. Residential homes are also located along the opposite side of Schexnaydre Lane. The uses permitted in the R-1A district would fit with this neighborhood character. There is no impact to infrastructure since Lots 1-A and 2-A are already developed with structures/uses permitted in the proposed R-1A district. **The request meets the third guideline.**

DEPARTMENT RECOMMENDATION

Approval, based on meeting each of the rezoning criteria.

This request will be forwarded with the Planning Commission's recommendation to the Parish Council for a second public hearing and final determination.

While not exceeding 3 acres, Planning and Zoning recommend a corresponding change to the Future Land Use Map from Commercial to Low-Moderate Residential within the subject area.