

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-19-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 9/29/2020**  
Stephen E. Aucoin  
122 Dianne Drive  
St. Rose, LA 70087  
(985)-379-6231; stevea0108@gmail.com
- ◆ **Location of Site**  
Lots 26, 27, and 28, St. Rose Gardens, 716 St. Rose Avenue, St. Rose
- ◆ **Requested Action**  
Rezoning from C-3, Highway Commercial to R-1A(M), Single Family Residential-  
Manufactured Homes.

### SITE INFORMATION

- ◆ **Size of Site**  
Approximately 7,840 sq.-ft. (currently three lots)
- ◆ **Current Zoning and Land Use**  
C-3; the site was developed with a single-family home which was recently  
demolished (Code Solution 20-260; Permit 33617).
- ◆ **Surrounding Zoning and Land Use**  
R-1A(M) zoning is adjacent to the north side and across St. Rose Avenue; C-3  
zoning abuts the south side; R-1A is adjacent to the rear.

The surrounding area consists primarily of single family residential uses, both site-built and manufactured. Immediately adjacent to the north or on the left side of the site, zoning is R-1A(M) but developed with parking for an office/warehouse building.

- ◆ **Future Land Use Recommendation**  
*Neighborhood Commercial:* Neighborhood Commercial areas accommodate retail sales and services for the daily self-sufficiency of residents of a neighborhood or neighborhoods, such as convenience shopping, dry cleaners, hair salons and barber shops, day care centers, coffee shops, professional and business service offices, etc. Uses permitted in the C-1 (Commercial Office) zoning district are allowed in this district. Some uses that are permitted in the C-2 zoning district are also appropriate (e.g., bakeries, tailors, etc.).

*Commercial:* The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.

- ◆ **Traffic Access**  
The site is 60-ft. wide on St. Rose Avenue, a two-lane state highway that connects River Road to Airline Drive.
- ◆ **Utilities**  
Representatives from the Department of Waterworks and Department of Public Works & Wastewater stated they have no objection to the request. Facilities are available and can accommodate the uses permitted in the proposed zoning district.

## APPLICABLE REGULATIONS

### Appendix A. Section XV. - Amendment procedure

D. *Rezoning guidelines and criteria:* Before the Commission makes a recommendation or the 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. 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 zoning 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. One or more of following examples may be used in evaluating reasonableness:
  - 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. and
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

### ***[II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density.***

1. Use Regulations:

- a. A building or land shall be used only for the following purposes:
  - (1) Site-built, single-family detached dwellings.
  - (2) Manufactured homes.
  - (3) Mobile homes.
  - (4) Accessory uses.
  - (5) Private recreational uses.
  - (6) Farming on lots of three (3) acres or more and at least one hundred fifty (150) feet frontage.
- b. Special exception uses and structures include the following:
  - (1) Additional residences for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
  - (2) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
  - (3) Showing and 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.

(Ord. No. 06-12-6, § II, 12-4-06)

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) and country clubs with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines.
- (4) Educational, religious and philanthropic institutions. These buildings must be set back from all property lines a distance of at least one (1) foot for each foot of building height.
- (5) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
- (6) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

2. Spatial Requirements.

- a. Minimum lot size: five thousand (5,000) square feet per family; minimum width-fifty (50) feet.
- b. Minimum yard sizes:
  - (1) Front—fifteen (15) feet.
  - (2) Side—five (5) feet.
  - (3) Rear—five (5) feet.
  - (4) For lots with less than one hundred (100) feet depth, front setback shall be fifteen (15) percent of lot depth 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) The accessory building shall not exceed two-story construction.
    - (2) Minimum setback of accessory buildings shall be three (3) feet.
    - (3) Nonresidential accessory buildings shall not be permitted.
  - d. Permitted encroachments:
    - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.
    - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front yard.
3. Special Provisions:
- a. Additional dwellings on unsubdivided property:
    - (1) Additional dwellings on unsubdivided property referred to in 1.b(1) above will be permitted at the rate of one (1) dwelling unit for each seven thousand (7,000) square feet of lot area.
    - (2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.
    - (3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).
    - (4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.
  - b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication Manufactured Home Installation in Flood Hazard Areas.
  - c. Skirting or foundation plantings as approved by the Zoning and Regulatory Administrator in accordance with the manufacturer's installation instructions to ensure aesthetic compatibility with the residential character of the neighborhood. The entire underfloor of the home shall be completely enclosed, except for the required openings.
- Editor's note— The enforcement of this subparagraph c. was placed on a one-year moratorium expiring Sept. 5, 1990.
- d. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.

## REZONING GUIDELINE EVALUATION

Before the Commission makes a recommendation or the 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. *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 request is not for a spot zone, since it would expand an existing R-1A(M) zoning district that is immediately adjacent. However, the Future Land Use Map shows a Neighborhood Commercial node around this site, however, the applicability of the node is secondary to the land use pattern of the neighborhood.

While the request does not technically meet the first guideline, the history of the property includes the Planning Department objecting to the 1983 rezone of the site to C-3 because it “allows uses that are incompatible with existing land uses in the neighborhood” followed by numerous complaints and violations against the property. Considering that there is a commercial node less than a mile away at the intersection of River Road, this commercial node near the Union Pacific Railroad may not be necessary. **The request fails 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.* The property consists of three 20-ft. wide lots; the minimum width for a C-3 lot is 70 ft. This nonconforming width limits the ability to develop C-3 uses. The history of complaints and violations on the adjacent property suggest that the existing C-3 zoning permits uses that negatively impact abutting residential uses (complaint IDs: 36247, 40446, 43144, 54911, 57161). Further, the property abutting the other side of the automotive repair was rezoned R-1AM earlier this year (2020-7-R; Ord. 20-8-1). This all suggests that C-3 zoning no longer permits *reasonable* use of the property within the surrounding neighborhood and the property should be rezoned. **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 single-family residential uses permitted in the R-1A(M) district, including site-built and manufactured homes, are compatible with the housing types and residential character of the surrounding neighborhood. Representatives from the Department of Waterworks and Department of Public Works & Wastewater have indicated that public facilities are available in the area, and development of the property that could be permitted if it is rezoned to R-1A(M), one single family residence, would not overburden facilities. **The request meets the third guideline.**

#### **ANALYSIS**

The applicant requests a change of zoning from C-3, Highway Commercial to R-1A(M), Single Family Residential-Manufactured Homes on a 7,840 sq.-ft. site adjacent at 716 St. Rose Avenue (Lots 26, 27, and 28, St. Rose Gardens Subdivision, St. Rose). The request meets the second and third rezoning guideline.

The subject lots were once part of eleven (11) contiguous lots under the same ownership. In 1974, the original property owner purchased Lots 26-30, which were developed with a single-family house and a metal building. On November 3, 1982, they purchased Lots 31-36, which were developed with a metal commercial building at the time. On October 19, 1981, all eleven (11) lots were zoned R-1A(M) as the result of the Comprehensive Zoning Ordinance (81-10-6). The owners requested and were granted a change of zoning of all their property to C-3; this permitted automotive repair activities to continue (Case #83-20, Ord. 83-12-1). The Planning Department objected to the 1983 zoning change, stating in a November 9, memo that C-3 zoning “allows uses that are incompatible with existing land uses in the neighborhood.”

Since the 1981 Comprehensive Zoning, single-family dwellings have been built and placed, renovated and upgraded in St. Rose Gardens. The community has a distinct residential character and is well-served by neighborhood commercial uses near River Road. Changing a portion of this highway commercial zoning district to residential would benefit the property owner and the surrounding neighborhood.

Although the site is under the three-acre threshold for requiring a change to the Future Land Use Map designation, staff recommend changing the designation on the site to match the adjacent Rural Residential designation.

The proposed zoning district requires lots to consist of 50 ft. in width and 5,000 sq-ft. If the rezoning is approved, the applicant has been advised that prior to applying for any building permits, the lots must be combined into a single conforming lot of record.

#### **DEPARTMENT RECOMMENDATION**

**Approval of the zoning change and a corresponding change to the FLUM, based on meeting the second and third rezoning guideline.**