

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2019-23-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 11/5/19**
Gregory and Elizabeth Fincher
109 Jenny Court
Montz, LA 70068
(504)-628-1430; greg@lasummithomes.com
- ◆ **Location of Site**
Lots 1AA and 5AA, Bailey Property Subdivision; 17918 River Road, Montz
- ◆ **Requested Action**
Rezoning of Lots 1AA and 5AA from C-1, General Commercial to R-1A, Single-Family Residential.

SITE INFORMATION

- ◆ **Size of Parcel**
The total site is approximately 85,626 square feet; Lot 1AA is approximately 69,737 square feet and Lot 5AA is approximately 15,890 square feet.
- ◆ **Current Zoning and Land Use**
C-1, General Commercial; vacant but cleared.
- ◆ **Surrounding Zoning and Land Use**
R-1A(M) zoning is located to the north/ upriver side of the property; R-1A zoning is located to the south and east/ down river and rear of the property along Thoroughbred Avenue. Lot 5AA is split zoned C-1 and R-1A with only a small southeastern corner falling into the latter. Batture-Industrial (B-2) zoning is located to the west of the property across River Road.

The property is surrounded by site-built, single-family houses.

- ◆ **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.).

On the Future Land Use Map, Neighborhood Commercial areas are shown conceptually as nodes around major intersections or segments along roadways where commercial uses serve on or multiple adjacent neighborhoods, or where the development of new commercial uses to serve adjacent neighborhoods is intended. The size of a Neighborhood Commercial area ranges between 2-5 acres, and its service/trade area is approximately 1 mile.

- ◆ **Traffic Access**
Lot 1AA has 243 feet of frontage on River Road. Lot 5AA does not front to any street and has no easements to access a street through another property.
- ◆ **Utilities**
Water and sewer are available for connection. A 15 foot drainage servitude exists along the north/ upriver side of the site. Representatives from Public Works & Wastewater and Waterworks stated they have no objection to the rezoning.

APPLICABLE REGULATIONS

[VI.] Zoning District Criteria & Regulations.

B. Residential Districts

R-1A. Single-Family Residential:

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, and insurance
 - Restaurants and cafeterias
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:* 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.

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 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.*
Plan 2030 recommends *Neighborhood Commercial* for this site, which accommodates retail sales and services for the daily self-sufficiency of residents of a neighborhood(s) and provides for neighborhood commercial uses typically permitted in the C-1 and C-2 zoning districts. The proposed zoning does not conform to the Comprehensive Plan's Future Land Use Map (FLUM), however, the area does consist of zoning that allows single-family houses by right R-1A(M) and R-1A. Changing the zoning to R-1A will not create a spot-zone.
The request does not meet 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.*
This area, along of River Road, is developed with residential and commercial uses. The C-1 zoning permits single-family houses by special permit use. The land-use pattern or character of the neighborhood has *not changed* in such a way that the zoning prevents a reasonable use of the property with C-1 zoning. The current zoning does not prevent a reasonable usage of the applicant's property.
The request does not meet 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 R-1A zoning district permits single-family houses by right. This use would be compatible with the surrounding neighborhood(s) zoned R-1A and R-1A(M). The lots are located in a developed area where Parish water, sanitary sewer, and drainage facilities are available for connection and will not be overburdened by the development potential that the zoning would allow. Downzoning the property is likely to decrease the potential capacity that public facilities and infrastructure could be used.
The request meets the third guideline.

ANALYSIS

The applicant requests a change of zoning from C-1, Neighborhood Commercial to R-1A, Single-family Residential on Lots 1AA and 5AA, Bailey Property Subdivision; municipal addresses 17918 River Road, Montz. Both lots exceed the minimum area requirements for the R-1A zoning district. Lot 5AA does not have street frontage; the applicants intend to combine the lots.

While the Comprehensive Plan's Future Land Use Map does not support R-1A zoning, this would not be incompatible with the existing neighborhood which consists of single-family residential houses at a similar density along River Road and a higher density along Thoroughbred Avenue. The area is sparsely served by neighborhood commercial uses along River Road.

The area of the entire property is 85,626 square feet. Based on the area, the maximum development potential for the property is fourteen (14) lots. Based on the frontage, a maximum development potential for three (3) lots with frontage on River Road exists. Water and sewer are available for connection. Representatives from Public Works & Wastewater and Waterworks stated they have no objection to the resubdivision.

The site is less than two (2) acres, so rezoning would not require an amendment to the Future Land Use Map.

DEPARTMENT RECOMMENDATION

Approval – contingent upon resubdividing the lots.