

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZR-2017-02

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 12/6/16**  
Johnny Dunn for Dunn Homes, LLC  
124 Edna Drive  
Des Allemands LA 70030  
504.615.2500; dunnhomes@yahoo.com
- ◆ **Location of Site**  
Lot 9A, Square 201, Ellington Addition to Town of Luling (corner of First Street and Sellers Street).
- ◆ **Requested Action**  
Change of zoning from **R-1A(M)**, Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes-Medium Density to **R-2**, Two Family Residential.

### SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**  
7,500 square feet; 75 feet of frontage on First Street, 100 feet of frontage on Sellers Street.
- ◆ **Current Zoning and Land Use**  
R-1A(M); vacant but cleared
- ◆ **Surrounding Zoning and Land Use**  
R-1A Zoning surrounds the site. Site built single family homes surround the site and C-2 zoning exists 2 lots Upriver (toward Milling Avenue).
- ◆ **Plan 2030 Recommendation**  
*Moderate Density Residential:* (8 dwellings per gross acre and greater). ***This category includes*** single family detached dwellings developed consistent with the R-1AM zoning district; ***attached dwellings such as duplexes***, patio / zero-lot line homes and townhomes consistent with the R-2 zoning district; multifamily housing developed consistent with the R-2 zoning district; and accessory units. Neighborhood-serving uses such as parks, churches, easements and ancillary neighborhood commercial uses permitted under the CR-1 zoning district or permitted subject to special exceptions or special permits.
- ◆ **Traffic Access**  
The site has 75 feet of frontage on First Street, 100 feet of frontage on Sellers Street. No parking or driveways can be permitted within 30 of the property corner at the road intersection.

### APPLICABLE REGULATIONS

#### Appendix A., Zoning Ordinance, 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.

**AND:**

**[VII.] R-2. Two-family residential:**

1. Use Regulations:
  - a. A building or land shall be used only for the following purposes:
    - (1) See uses allowed in the R-1A district
    - (2) Two-family dwellings
    - (3) Single family dwellings
    - (4) Accessory uses.
    - (5) Nonresidential accessory buildings shall not be permitted.
  - b. Special exception uses and structures include the following:
    - (1) Club houses and/or accessory recreational facilities for resident use only
    - (2) Professional, non-retail offices
  - c. Special permit uses and structures include the following:
    - (1) Child care centers
    - (2) Schools (public, private, and commercial)
    - (3) Religious institutions
    - (4) Reserved.
    - (5) Reserved.
    - (6) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
  - d. Transportation system required: Local or collector street.
2. Spatial Requirements:
  - a. Minimum lot size: Six thousand (6,000) square feet (3,000 per family); minimum width - sixty (60) feet.
  - b. Minimum yard sizes:
    - (1) Front - twenty (20) feet
    - (2) Side - five (5) feet each side
    - (3) Rear - twenty (20) feet.
    - (4) 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. (Ord. No. 08-8-9, § VII, 8-18-08)
  - 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 rear setback of accessory building shall be the same as side yard requirement of the district in which it is located.
    - (4) Accessory buildings shall be located on the same parcel of land as the main structure.
  - 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 or rear yard.
3. Transportation System Requirement: Front on local or collector street only.
4. Special Provisions:
  - a. Where any two-family residential district (R-2) abuts any residential zoning district or use, a six-foot high solid wood fence or masonry wall shall be erected.

**AND:**

**Section III. - Definitions.**

*Spot zone:* Rezoning a lot or parcel of land which gives to a single lot or a small area privileges not extended to other land in the vicinity and which is not done in furtherance of the comprehensive plan or to serve the best interest of the community.

## ANALYSIS

The applicant requests a change of zoning district from R-1A(M) to R-2 on Lot 9A, Square 201, Ellington Addition to Town of Luling at corner of First Street and Sellers Street. The lot meets the area and width requirements of the R-2 zoning district; and it is likely that a plan could be drawn for a the lot to be developed with a duplex, 3000 square feet per family, four parking stalls, and the required fencing. Rezoning the site would eliminate mobile homes as a permitted use and add duplex (site-built structure for two families with a common wall) as a permitted use.

The site was zoned R-1AM in 1987 (Ord-87-7-1) but a mobile home was never permitted on the lot. There are two legally nonconforming multi-family sites in the neighborhood and two R-2 spot zones along the railroad (Ord 86-4-14 & Ord-16-6-1).

In order to receive a recommendation for approval, an applicant must show that the request meets all the criteria of at least one of three guidelines.

*The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood.* This particular lot has a Future Land Use of moderate-density residential; R-2 zoning and duplexes are listed as supporting moderate density residential development. The Future Land Use that surrounds the lot on all sides and covers the neighborhood, however, is Low Density Residential, which does not list duplexes as compatible.

Rezoning only this site to R-2 would create a spot zone of privilege not extended to other properties in the vicinity. It could be argued that the site is already spot-zoned as there is no other R-1-A(M) zoning in the neighborhood; however, R-1A zoning is appropriate to correct the spot zone. **The request does not meet the first guideline.**

*The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point where the existing zoning no longer allows for reasonable use of the subject property.* The current R-1AM zoning would permit a site-built, modular, or mobile home on the site and the site is surrounded by single-family houses. It has been suggested that a mobile home was never permitted on the property because it might be considered incompatible or unreasonable by neighbors. The land use character of this neighborhood has not changed to the point that R-1A(M) allows no reasonable use. **The request does not meet the second guideline.**

*The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character or overburden existing public infrastructure.* The proposed zoning would allow one or two dwelling units to be permitted on the corner lot. Water, sewer, drainage, and street capacity in the area would not be overburdened by two-family development, however, the character of the neighborhood is single-family, with one residence on most lots and 6000 square feet or more area per family. Two dwelling units on a 7,500 square foot corner lot might not be considered compatible by existing residents. **The request does not meet the third guideline.**

The site is below the three acre threshold that mandates a corresponding Future Land Use Map (FLUM) amendment. If the zoning is changed, the map does not need to be amended. However, the Future Land Use Designation of this individual lot is not the same as the surrounding neighborhood. Staff is preparing recommendations for several similar "spots" that have been identified on the FLUM.

## DEPARTMENT RECOMMENDATIONS

**Denial.**