

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2022-1-SPU

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 12/9/2021**
Leigh Ann Dugas
12661 River Road
Luling, LA 70070
(225)-505-8794; leighvdugas@gmail.com
- ◆ **Location of Site**
Portion of Ellington Plantation; 12661 River Road, Luling
- ◆ **Requested Action**
Public or commercial stable in an O-L/Open Land zoning district.

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel(s)**
Approximately 106,806 sq. ft. (2.45 acres), 100 ft. wide
- ◆ **Current Zoning and Use**
C-2/O-L; developed with a site-built single family house and accessory structures
- ◆ **Surrounding Zoning and Land Uses**
C-2/O-L zoning abuts each side; O-L zoning is adjacent to the rear.

With the exception of the Loupe and Lawrence Streets, the surrounding area consists primarily of site-built, single-family dwellings on large tracts that front River Road and extend to the railroad and Bayer industrial site. The area has an open, rural character.

- ◆ **Flood Zone and Elevation**
The site is in a flood zone X. The base flood elevation requirement is 12 in. above the centerline of the street.
- ◆ **Future Land Use Recommendation**
Low Density Residential: (from 4 up to 8 dwellings per gross acre) this category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
General 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 has 100 ft. of frontage on River Road and is developed with a paved driveway that is approximately 10-ft. wide.
- ◆ **Utilities**
Parish water, sewer, and drainage facilities are located across the front of the property on River Road. The property appears to have a swale through the center. Additional water and drainage facilities exist near the rear, between the subject property and the railroad tracks.

APPLICABLE REGULATIONS

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

[I.] O-L. Open Land District:

Policy statement: This district is composed mainly of large open unsubdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Farming.
 - (2) Animal husbandry.
 - (3) Farm family dwellings.
 - (4) Tenant dwellings.
 - (5) Site-built, single-family detached dwellings.
 - (6) Additional dwellings for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
 - (7) Manufactured housing.
 - (8) Mobile homes.
 - (9) Accessory buildings.
 - (10) Family subdivisions, provided that they conform to the St. Charles Parish Subdivision Regulations [appendix C].
 - (11) Farmer's market, provided that the criteria outlined in Special Provisions [subsection 3] is met.
 - (12) Any permitted uses under subsection 1.a. items (1) through (9) on a lot or property without frontage provided that a permanent right of passage to access the structure exist or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court.
 - (13) Lawn Care Service subject to the requirements of Section VII.
 - (14) Historic Home Site Bed and Breakfast.
 - b. Special exception uses and structures include the following:
 - (1) Religious institutions.
 - (2) Golf courses and golf practice ranges.
 - (3) Public parks and recreational areas.
 - c. Special permit uses and structures include the following:
 - (1) Child care centers.
 - (2) Public and private academic institutions (trade, business and industrial schools shall be located in the appropriate commercial or industrial zoning district).
 - (3) Cemeteries and mausoleums, provided that they meet the criteria outlined in Special Provisions [subsection 3].
 - (4) Extraction of oil and gas, minerals and other natural resources provided that criteria set forth by the St. Charles Parish Coastal Zone Management Section of the Planning and Zoning Department are met.
 - (5) Public stables and kennels.
 - (6) Cellular installations and PCS (personal communication service) installations.
 - (7) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
 - (8) *Reserved.*
 - (9) Fire stations with or without firefighter training facilities.
 - (10) Nonresidential accessory buildings.
 - (11) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.
2. Spatial Requirements:
 - a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet.
 - b. Minimum yard sizes:
 - (1) Front—Thirty-five (35) feet.
 - (2) Side—Ten (10) feet.
 - (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.
 - c. Accessory buildings: Minimum rear and side setbacks shall be ten (10) feet.
 - 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 the required front or rear yard.
3. Special Provisions:
 - a. Additional dwellings on unsubdivided property:
 - (1) Additional dwellings on unsub- divided property referred to in 1, a(11) above, will be permitted at the rate of one (1) dwelling unit for each ten thousand (10,000) 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 Housing Installation in Flood Hazard Areas*.
 - c. 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.
 - d. Farmer's market:
 - (1) All products must be sold on the premises on which they were grown or produced, from either a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit.
 - (2) No structure, vehicles or signs may be located closer to any property line than the general setback requirements of the O-L District with the exception of one (1) on-premises sign which contains the name of the market. This sign shall be located approximate to the entrance drive directing attention to the market. The sign shall conform with acceptable commercial standards regarding quality and aesthetics. No temporary signs will be allowed. If the sign is to be illuminated, lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.
 - e. Cemeteries and mausoleums:
 - (1) All cemetery or mausoleum sites must have a minimum street frontage of one hundred (100) feet.
 - (2) All cemetery or mausoleum sites must have a fence or screen planting six (6) feet high along all property lines adjoining all districts.
4. Prohibited Use: Medical waste storage, treatment or disposal facilities.

Appendix A. Section IV.

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening
 - f. Signage
 - g. Height and bulk of structures
 - h. Location and direction of site lighting

SPU CRITERIA COMPLIANCE

The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan.* The Comprehensive Plan designates the site as Low Density Residential, which anticipates single-family development typical of the R-1A, R-1B, and R-1A(M) zoning districts. A public stable, which is an agricultural use, does not further the goals of the Low Density Residential designation. **Does Not Comply**
2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* The property is developed much like other properties along this portion of River Road. The large, long tracts extend to the railroad and are developed with single-family houses most setback 100 ft. from the roadway with accessory structures and equipment in the rear. Nothing proposed is significantly different from neighboring properties. The three-stall stable is 12 ft. x 36 ft., comparable to other accessory structures in the area. The applicant proposes keeping up to four (4) horses total and limiting visiting for pre-approved people between the hours of 6 AM and 10 PM. **Complies**
3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* The site is developed with an asphalt driveway approximately 200 ft. long that can stack five (5) or more passenger vehicles. The applicant indicates that one horse trailer will be kept at the property, on the driveway. This is enough to meet the required two (2) parking spaces for the house while leaving three (3) spaces for the stable. Visitors should be prohibited from backing onto River Road. **Complies**

4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.* The O-L zoning district permits farming, animal husbandry, and farmer's markets by right. The proposed public stable would have similar impacts. **Complies**

5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* The applicant has built a structure to keep horses on the property. The Department does not have record of a building permit for the structure; the applicant has been instructed to apply for a building permit which will include building code, site design, and drainage review. The structure is currently located 2.5 ft. from the side property line where a 10 ft. yard or building setback is required. The structure should be required to meet the required setback in order to protect neighboring property from stormwater and fire from the structure as well as from noise, odors and any other potential hazards a neighboring large animal may create. **Does Not Comply**

6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*
 - a. *Required yards and open space.* The horse stalls are located approximately 2.5 ft. from the side property line where a 10 ft. side yard setback is required. **Does Not Comply**
 - b. *Ingress and egress to property.* The property has 100 ft. of frontage on River Road and a 10 ft. wide asphalt driveway. The driveway is developed with a turnaround. Visitors should not have to back out onto River Road and should be discouraged from backing out with signage. **Complies**
 - c. *Parking and loading areas.* The existing driveway, which measures approximately 200 ft. long and 10 ft. wide should provide sufficient area for parking and loading/unloading. The applicant states one (1) horse trailer will be kept on-site and parked in the driveway, which can accommodate an additional five (5) vehicles. This is enough to provide the required two (2) parking spaces for the house plus another three (3) for the stable. **Complies**
 - d. *Location of garbage facilities.* The applicant stated waste will be collected from the stables a minimum of 3 times per week. It will be kept in a covered compost bin and used to fertilize the property. The compost bin will be located on the far south end of the property, the furthest away from adjacent houses. **Complies**
 - e. *Landscaping, buffering, and screening.* The site meets a majority of the beautification landscape requirements and does not require landscape buffering or fencing. **N/A**
 - f. *Signage.* No signage is proposed as part of this request. **N/A**
 - g. *Height and bulk of structures.* The height and bulk of the house and accessory structures is similar to the height and bulk on neighboring properties, however, the location of the stables encroaches into the required side yard. **Does Not Comply**
 - h. *Location and direction of site lighting.* No site lighting is proposed as part of this request. **N/A**

ANALYSIS

The applicant requests a special permit for a public stable in the O-L zoning district. The stable would provide for up to four (4) horses; the owner would have up to three (3) stalls for rent. The owner intends to restrict visitors to pre-approved members of each tenant's family between the hours of 6:00 am and 10:00 pm.

The proposed use meets the majority of the special permit review criteria. The surrounding neighborhood is zoned O-L, Open Land, which permits uses like farming and animal husbandry by right. The rural character of the area would not be negatively impacted from the proposed use.

The application does not meet all the evaluation criteria, however, because the structure that will house the horses was placed without a building permit and is located within the required 10 ft. side yard. A commercial stable should be located within the buildable area to prevent negative impacts to neighboring properties.

The department has no objection to the proposed use as a public stable, but the necessary review and permitting of the structure should occur prior to the issuing of a

certificate of occupancy to ensure the structure meets the site requirements of the zoning district as well as building code.

DEPARTMENT RECOMMENDATION

Conditional Approval.

If the special permit is approved, the following stipulations are recommended:

- 1. The owner shall obtain a building permit for any structures the business requires.**