

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT
CASE NUMBER: 2022-20-R

Application Date: 10/27/2022

GENERAL INFORMATION

◆ **Name/Address of Applicant**

Diahann L. Dufresne
328 Barton Avenue
Luling, LA 70070
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Joseph Dufresne, Jr.
13561 River Road
Luling, LA 70070
(504)-231-4908

◆ **Location of Site**

Between 13551 and 13559 River Road, Luling

◆ **Requested Action**

Change of zoning from *C-2, General commercial district - Retail sales* to *R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density* on Lot D-1.

SITE INFORMATION

◆ **Size of Site**

Lot D-1 consists of 9,388.61 sq. ft.

◆ **Current Zoning and Land Use**

C-2; the site is not developed, but is used to access Lot D-2 to the rear (13561 River Road).

◆ **Surrounding Zoning and Land Use**

B-1 zoning is located to the River Road side; R-1A(M) is adjacent to the rear; C-1 zoning is adjacent to the Lussan Lane side; C-3 zoning is adjacent to the Gassen Street side.

The site is in a developed area consisting of both commercial and residential uses. Specifically, an attorney's office is adjacent to the Lussan Lane side; a construction company is adjacent to the Gassen Street side; a manufactured home is adjacent to the rear.

◆ **Zoning History**

The C-2 district was established in 1981.

◆ **Future Land Use Recommendation**

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 69.25 ft. of frontage on River Road and is improved with driveway access. 15 ft. of the frontage, including the existing driveway, is within an access and utility servitude in favor of adjacent Lot D-2.

◆ **Utilities**

Standard utilities serve the site.

APPLICABLE REGULATIONS

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

[II.] *R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile 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 and aesthetic standards of a permanent residence. Additionally, mobile homes which meet the special provisions below are allowed.

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.
 - (4) 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 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.
 - (7) 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: 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. *Reserved*.
- 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.

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 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 two 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 proposed R-1A(M) district does not conform to the General Commercial Future Land Use designation, and would be considered a spot zoning as the surrounding area consists of either commercial or R-1A districts. **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 and the proposed zoning does.* Lot D-1 consists of 9,388.61 sq. ft. and 65.44 ft. in width between side lot lines. A 15 ft. wide portion of Lot D-1 consists of an access and utility servitude in favor of Lot D-2 to the rear, effectively reducing the site area to 7,408 sq. ft., and its width to 50.44 ft. It also shares access to River Road with the manufactured home on Lot D-2 to the rear. This does not make the site suitable for most commercial purposes, but it could still be improved with smaller, neighborhood scale commercial development consistent with this portion of River Road in Old Luling between Sugarhouse Road and Ashton Road. While it would be easier and potentially more appropriate to develop the site for residential purposes, this does not make the existing C-2 zoning unreasonable. Especially considering a site-built house can be approved as a special permit use under current zoning. **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.* With the exception of the legally non-conforming manufactured home on adjacent Lot D-2, the manufactured homes permitted in the R-1A(M) district would not be compatible with the surrounding area, which is developed with either commercial uses on River Road or site-built houses in the adjacent residential neighborhoods. While they would not overburden public facilities and infrastructure,

manufactured homes would be incompatible with this existing neighborhood character. **The request does not meet the third guideline.**

ANALYSIS

The applicant is requesting a rezoning from C-2 to R-1A(M) on Lot D-1, between 13551 and 13559 River Road, Luling.

The request fails all three (3) guidelines as detailed in the previous section.

The proposed R-1A(M) district does not conform to the General Commercial Future Land Use designation and would create a spot zone. The existing C-2 zoning does not deprive the property of reasonable use. And those uses permitted in the R-1A(M) district, specifically manufactured homes, are not compatible with the existing neighborhood character.

DEPARTMENT RECOMMENDATION

Denial.

***This request will be forwarded to the Parish Council for consideration with the Planning Commission's recommendation.**