

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: 2019-18-R

GENERAL INFORMATION

- ◆ Name/Address of Applicant

Triniece & Myron Boyd  
312 Allie Lane  
Luling, LA 70070  
(504)-228-7205; tdboyd@latterblum.com
- Application Date: 9/3/19
- ◆ Location of Site

Lots 2 & 3, Block F, Oak Ridge Park; 1205 & 1207 Paul Frederick Street, Luling
- ◆ Requested Action

Rezoning of Lots 2 and 3 from C-1, Neighborhood Commercial to R-2, Two-family Residential.

SITE INFORMATION

- ◆ Size of Parcel

Lots 2 and 3 are each 8,000 square feet, 70 feet on Paul Frederick Street.
- ◆ Current Zoning and Land Use

C-1, Neighborhood Commercial; vacant but cleared.
- ◆ Surrounding Zoning and Land Use

R-1M zoning is located to the front and Canal Street side; C-1 zoning is adjacent to the rear and Hackberry Street side.
- Manufactured homes are located across Paul Frederick Street and adjacent to the southwest or Canal Street side; commercial buildings are adjacent to the rear or southeast; the property adjacent to the northeast or Hackberry Street side is vacant but cleared.
- ◆ 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

Each lot has 70 feet of frontage on Paul Frederick Street.
- ◆ Utilities

Water, sewer, and drainage are available along Paul Frederick Street to serve the two lots. Electricity and telecommunications are available from overhead lines.

APPLICABLE REGULATIONS

- [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.
  - 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.

#### **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.

<b>REZONING GUIDELINE EVALUATION</b>
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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 *General Commercial* for this site, which provides for neighborhood commercial uses typically permitted in the C-2 and C-3 zoning districts. In addition to not conforming to the Comprehensive Plan, the area does not consist of any zoning that allows duplexes by right (r-2 or R-3). Changing the zoning to R-2 will 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 block of Paul Frederick Street has been developed primarily with mobile homes for decades. The permit database shows 19 permits for this block of Paul Frederick Street since 2010: eleven to replace or occupy existing mobile homes, five to add covers or accessory buildings on lots with mobile homes, and three to demolish houses and mobile homes. While is true that C-1 zoning does not permit mobile homes (by right or by special permit use) that would be compatible with the surrounding neighborhood; 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 specific use the property owner would like to develop (duplexes) can be permitted as a special permit use in the existing C-1 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.* The only uses permitted by right in the R-2 zoning district are single-family, two-family dwellings (site-built), and residential accessory buildings (sheds, garages, etc). These uses could be permitted on the subject property through the Special Permit process, so they are compatible with the existing property. However, this C-1 zoning exists on only three lots along Paul Frederick Street where the existing neighborhood character is comprised of mobile homes at a density of approximately one dwelling per 3,150 square feet of lot area. R-2 zoning on these lots would permit the residential use at the same density. The west side of Paul Frederick Street is developed with 54 mobile or manufactured homes on approximately 168,000 square feet of lot area, or approximately one (1) dwelling per 3,111 square feet of lot area. The lots are located in a developed area where Parish water, sanitary sewer, and drainage facilities area available for each lot and will not be overburdened by the four dwelling units that the zoning would permit. **The request meets the third guideline.**

In addition to meeting the third guideline, R-2 zoning on the lots would support revitalization of the area by permitting site-built dwellings by right.

**ANALYSIS**

The applicant requests a change of zoning from C-1, Neighborhood Commercial to R-2, Two-family Residential on Lots 2 and 3, Block F, Oak Ridge Park Subdivision, municipal addresses 1205 and 1207 Paul Frederick Street, Luling. Both lots exceed the minimum area and width requirements for the R-2 zoning district.

While the existing zoning allows for duplexes through the special permit process, several of the criteria for evaluating special permits are subjective. R-2 zoning permits duplexes by right, so long as they meet standard development criteria: 20-foot front and rear yards, 5-foot side yards, and two parking stalls for each dwelling unit. R-2 permits site-built residential uses at a density up to 2 units per 6,000 square feet. This would not be incompatible with the existing neighborhood which consists of residential mobile homes at a similar density along Paul Frederick Street served by site-built neighborhood commercial uses along Paul Maillard Road. Parish water, sewer, and drainage are available for each lot and would not be overburdened by the development potential for four (4) new dwellings.

The site is less than three (3) acres, so rezoning would not require an amendment to the Future Land Use Map.

**DEPARTMENT RECOMMENDATION**

**Approval**