



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-2-R

APPLICATION INFORMATION

- **Submittal Date:** 1/4/2024
- **Applicant / Property Owner**
Alvin Gordon, III
9512 Linden Loop
Westwego, LA 70094
504-236-5112; goodguyfinishing@hotmail.com
- **Request**
Change of zoning:
 - Current - R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes - Medium density
 - Proposed - R-2, Two Family Residential

SITE INFORMATION

- **Location**
Lots 47, 48, 49, 50, 51, and 52, Square D, Oak Ridge Park; Lots 47, 48, and 52 are addressed as 1014, 1018, and 1028 Paul Frederick Street, Luling
- **Size:** approximately 31,710 sq. ft. (0.72 acres)
- **Current Use:** undeveloped
- **Surrounding Zoning**
R-1A(M) zoning is located to the Paul Frederick, Brooklyn, and Hackberry Street sides; R-1A zoning is adjacent to the Kinler Street side.
- **Surrounding Uses**
The site is in a developed residential area adjacent to the Paul Maillard Road corridor. Dwellings on Paul Frederick Street consist of both manufactured and site-built single family homes. Those adjacent to rear on Kinler Street are exclusively site-built single family homes.
- **Zoning History**
The existing R-1A(M) district was established in 1981.
- **Future Land Use Recommendation**
Low-to-Moderate Residential: Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections (over six dwellings per acre).

Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1AM (accessory units and individual mobile homes)
- **Flood Zone & Minimum Building Elevation**
1992 Flood Insurance Rate Map: X Zone
2013 Digital Flood Insurance Rate Map: X
- **Traffic Access**
Each lot has 70 ft. of frontage and access on Paul Frederick Street.

▪ **Utilities**

Per the Parish GIS wastewater facilities are available along Paul Frederick Street.

Per the Department of Waterworks a 12 inch line is available on Paul Frederick Street and the development potential from this proposed rezone would not adversely impact water supply.

Per the Senior Engineer with the Department of Public Works (DPW), there is no objection to the rezoning. But DPW is working on a project to correct deficient drainage in the area, and the subject site was identified for a servitude that would facilitate drainage improvements for the Kinler/Paul Frederick subdivisions. This would need to be a consideration as part of any subsequent resubdivisions and/or improvements made to the subject site. The property owner has been provided this information and directed to DPW for more information.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and 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: 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 & CRITERIA EVALUATION

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 subject site is within an area designated *Low-to-Moderate Residential*, which primarily anticipates development of those residential uses typically permitted in the R-1A, R-1B, and R-1A(M) zoning districts. However, the designation does consider alternative housing types with a moderately higher density that are not typically permitted, or permitted by right, in those districts. This includes duplexes, patio/zero-lot line homes, townhomes, and accessory units. The R-2 zoning district is not explicitly recommended under the *Low-to-Moderate Residential* designation, but duplexes are considered in the description as an appropriate residential development type. Since duplexes are permitted by right starting in the R-2 district, it is appropriate to consider it in conformance with the *Low-to-Moderate Residential* designation and the Comprehensive Plan Future Land Use Map. There is no R-2 zoning in the area, and while consisting of six lots the site is still less than an acre, so it is appropriate to consider this a spot zone affecting a small area. But conformance with the comprehensive plan takes precedence over being a spot zone as part of the Department's analysis. **The request meets 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.*

The existing R-1A(M) zoning district was established in 1981 and this block of Paul Frederick Street has been developed with a mix of manufactured and site-built homes for decades.

The subject site consists of 6 individual lots measuring 70 ft. wide and approximately 5,300 sq. ft. Under current zoning each lot can be developed by right with either a new manufactured or site-built home. By rezoning to R-2, new lot size requirements would apply. The minimum lot width would increase from 50 ft. to 60 ft., and the minimum lot area from 5,000 sq. ft. to 6,000 sq. ft. If the rezoning is approved a resubdivision consolidating into five lots would be required to meet the minimum lot area for the R-2 district (this would also be the case if zoned R-1A). Despite losing one lot, the ability to permit duplexes would allow for ten total dwellings compared to the six that can be permitted today. But while an additional four dwellings is beneficial, the ability to develop the six existing lots under the current zoning is far from unreasonable, especially considering the reduced lot sizes, setbacks, and lower cost housing options permitted in the district. And this has not been impacted by any substantial changes in the land-use pattern or character of the neighborhood. **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.*

Despite being an upzoning permitting housing at a higher density, the R-2 district is more in-line with the development standards of the R-1A zoning district compared to the reduced standards of the existing R-1A(M). This includes:

- Site-built construction
- Same lot area (6,000 sq. ft. / 60 ft. wide)
 - R-1A(M) allows lots of 5,000 sq. ft. / 50 ft. wide
- Same setbacks (20 ft. front / 5 ft. sides / 20 ft. rear)
 - R-1A(M) permits 15 ft. front and 5 ft. rear setbacks
- Same rear yard coverage requirement (25%)
 - No such requirement under R-1A(M)

The more stringent development requirements of the R-2 zoning district, both in terms of construction type and lot size requirements, would actually allow for development more in character with the site-built houses on Paul Frederick Street and abutting to the rear on Kinler Street, and not adversely impact neighborhood character.

The site is located in a developed area where Parish water, sanitary sewer, and drainage facilities are available and will not be overburdened by the four additional units that may be permitted. But as referenced under the Utilities section of this report, coordination between the property owner and the Department of Public Works must occur regarding a potential drainage servitude within the subject site in order to facilitate a larger drainage project. This does not directly affect the rezoning request, but would impact any subsequent resubdivision and permitting. **The request meets the third guideline.**

DEPARTMENT RECOMMENDATION

Approval, based on meeting the first and third rezoning criteria.

This request will be forwarded to the Parish Council for a second public hearing with the Planning Commission's recommendation.