



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-20-R

APPLICATION INFORMATION

- **Submittal Date:** 10/14/2024
- **Applicant / Property Owner**
Robert V. Gilbert, Jr.
11 Azalea Court
Luling, LA 70070
504.382.9096; robbyg@pedalvalve.com

FOR

Nancy Reese Bush, et al
200 Dominican Drive, Apt. 4208
Madison, MS 39110

- **Request**
Change of zoning:
 - Current - R-3, Multi-family residential; R-1A, Single family residential detached conventional homes - Medium density
 - Proposed - C-3, Highway commercial district -Wholesale and retail sales; O-L, Open Land District

SITE INFORMATION

- **Location**
44.5 acre tract, “Lot 1”, off Lakewood Drive, Luling
- **Size**
The site totals 44.5 acres
 - Approximately 12.5 acres are zoned R-3, where C-3 is proposed
 - Approximately 32 acres are zoned R-1A, where O-L is proposed
- **Current Use:** undeveloped and wooded
- **Surrounding Zoning**
The predominant zoning in the area is R-1A, which is adjacent to the Lakewood Drive and Barrett Drive sides. W zoning is adjacent to the Willowdale Boulevard side.

Towards the front of the site R-3 and C-1 zoning is adjacent to the Lakewood Drive and Apartment Drive sides. C-2 is the primary commercial district, focused along Highway 90. The nearest C-3 district covers the Winn-Dixie at 12125 Highway 90.
- **Surrounding Uses**
The primary use in the area and abutting the subject site is that of a developed single-family residential neighborhood.

A mix of uses are centralized around the front of the site closer to Highway 90. This includes small scale commercial businesses and offices, townhomes, and apartments. Higher impact commercial fronts Highway 90 itself, including hotels, gas stations, automotive repair, and a supermarket.

Institutional uses found in the vicinity include the St. Charles Parish West Regional Library, New LIFE Community Church, and Holy Family Catholic Church.

▪ **Zoning History**

The R-3 and R-1A zoning districts were established in 1981.

▪ **Traffic Access**

The site does not have existing driveway access but there are two areas where it may be arranged:

- Approximately 64 ft. of frontage near 131 Lakewood Drive
- 50 ft. along an unimproved street-stub between 153 & 155 Lakewood Drive, in alignment with Birch Street.

Providing access to this site must negotiate the following:

- A small berm/levee encloses the site. This must be traversed in order to develop driveway access from either of the above frontage points.
- The Birch street stub extension is unimproved. Improvements to this portion of right-of-way to Parish standards may be needed to attain access.

▪ **Utilities**

The Parish GIS map shows drainage, water, and sewer facilities along Lakewood Drive.

The street stub referenced in the previous section is unimproved, with no extensions of public facilities present. A developer of this site, either under the current or proposed zoning, would be responsible for the extension of necessary facilities.

▪ **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: X Zone & AE4

2013 Digital Flood Insurance Rate Map: AE5 & AE6

▪ **Coastal Program/EMU**

EMU-8 Westbank Community (pages 6-39 through 6-46, St. Charles Parish Local Coastal Program, Ordinance 15-10-12; Appendix B to this agenda)

▪ **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)

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 and uses.
- (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.
 - (12) Transmission towers.
 - (13) Solar Energy System, Large (LSES), in accordance with Section VII, Supplemental Use and Performance Regulations 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 unsubdivided 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.

[IV.] C-3. *Highway commercial district*—Wholesale and retail sales:

- 1. Use Regulations:
 - a. A building or land shall be used for the following purposes.
 - (1) All uses allowed in the C-2 District.
 - (2) Commercial auditoriums, coliseums or convention halls
 - (3) Retail manufacturing

- (4) Automobile sales and service
 - (5) Wholesale uses
 - (6) Warehouses (less than 10,000 sq. ft.)
 - (7) Bus, railroad, passenger and truck terminals (without video poker gaming facilities)
 - (8) Bottling works
 - (9) Dog pound
 - (10) Building supply
 - (11) Heating and air conditioning service
 - (12) Plumbing shops
 - (13) Automotive repair, minor and major
 - (14) Glass installation
 - (15) Fabrication of gaskets and packing of soft metal material
 - (16) Creameries
 - (17) Parcel delivery service
 - (18) *Reserved.*
 - (19) Frozen food lockers
 - (20) Public stables
 - (21) Bulk dairy products (retail)
 - (22) Animal hospitals
 - (23) Gymnasiums
 - (24) Sheet metal shops.
 - (25) Upholstery
 - (26) Other uses of similar intensity
 - (27) Customary accessory uses incidental to the above uses when located on the same lot.
- b. Special exception uses and structures:
 - (1) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director.
 - c. Special permit uses and structures include the following:
 - (1) Barrooms, night clubs, lounges, and dancehalls upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (2) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (3) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (4) *Reserved.*
 - (5) Cellular installations and PCS (personal communication service) installations.
 - (6) *Reserved.*
 - (7) Warehouses (non-hazardous materials) over ten thousand (10,000) square feet.
 - (8) 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.
 - (9) Bingo Halls, Video Bingo Parlors, and Off-Track Betting Establishments upon review of the Planning Commission and Ordinance of the Parish Council.
 - (10) Outdoor storage, when accessory to an otherwise permitted use in the district.
 - (11) Automobile Fleet Services: Examples include rental car facilities, overnight truck parking, dispatch locations, and any use related to the temporary or periodical parking of operative motor vehicles.
- 2. Spatial Requirements:
 - a. Minimum lot size: Seven thousand (7,000) square feet, minimum width - seventy (70) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet
 - (3) Rear - ten (10) 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, not withstanding 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.
 - 3. Transportation System: Arterial, local industrial, rail, water.
 - 4. Special Provisions:
 - a. Where any commercial use in a C-3 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones unless the Planning and Zoning Department shall require a greater or lesser buffer strip.
- [V.] *Prohibited use:* Medical waste storage, treatment or disposal facilities.

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 site is under the *Low-to-Moderate Residential* Future Land Use Map designation, which primarily anticipates development of those residential uses typical of the R-1A, R-1B, and R-1A(M) zoning districts. Some consideration for small-scale neighborhood commercial is provided, but only in appropriate locations such as along transportation corridors and/or at intersections. Neither the C-3 nor O-L district fit the development pattern anticipated by this designation and do not further the goals of the Comprehensive Plan. **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.*

The existing R-3 and R-1A zoning was established in 1981 and the surrounding area has been developed in alignment with the zoning pattern on site. This includes multi-family townhomes, apartments, and neighborhood commercial along the R-3 portion and site-built single family homes along the R-1A portion. This zoning and development pattern has remained consistent for several decades and no changes or shifts have occurred which would somehow impact reasonable use of the property under current zoning.

Specifically, the location of the R-3 zoned portion of this site is appropriate and ideal. It abuts existing townhomes and apartments, the housing type it permits would fill a need, and a higher concentration of residents near Highway 90 would benefit the businesses located along that portion of the corridor. Similarly, the R-1A zoned portion of the site abuts similar single-family development, permitting compatible, low-impact residential uses appropriate for those areas further back from the highway. **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.*

C-3 uses, which includes wholesale, warehousing, manufacturing/fabrication, and various trades, are not compatible with the existing neighborhood, which is developed with apartments, single-family homes, religious institutions, and low intensity, neighborhood scale businesses. Additionally, the transportation requirements detailed under the C-3 district calls for access on arterial streets (highways). Lakewood Drive is considered a collector street and is not appropriate for the type of traffic generated by C-3 uses. While not as much of a departure compared to C-3, the proposed O-L district could permit uses such as farming, animal husbandry, and manufactured homes, none of which are compatible with the surrounding area. **The request does not meet the third guideline.**

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any rezoning criteria.

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