

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2021-7-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 1/20/2021**  
Michael Dufrene  
17395 Highway 631  
Des Allemands, LA 70030  
(985)-870-3074; mdufrene@dow.com
- ◆ **Location of Site**  
Lot 3-B, Coteau de France or Ranson Tract; 17344 Highway 90, Des Allemands
- ◆ **Requested Action**  
Rezoning from C-3, Highway Commercial and R-1A(M), Single Family Residential (manufactured homes) to R-1A, Single Family Residential

### SITE INFORMATION

- ◆ **Size of Site**  
3.255 acres
- ◆ **Current Zoning and Land Use**  
C-3 and R-1A(M); vacant and partially wooded.
- ◆ **Surrounding Zoning and Land Use**  
C-3 zoning is along the Highway 90 and a portion of the Gwen Lane side. R-1A(M) zoning is adjacent to the rear, Easy Street side, and partially along the Gwen Lane side.

Highway 90 is located to the front; a single family residence and public park are located to the rear; the property adjacent to the Gwen Lane side consists of a single family residence and wooded land; the area adjacent to the Easy Street side consists of a single family residential neighborhood with a mix of site-built and manufactured homes.

- ◆ **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.  
  
Moderate Density Residential (8 dwellings per gross acre and greater): This category includes single family detached dwellings developed consistent with the R-1AM zoning district; attached dwellings such as duplexes, patio / zero-lot line homes and townhomes consistent with the R-2 zoning district; multifamily housing developed consistent with the R-3 zoning district; and accessory units. Neighborhood-serving uses such as parks, churches, easements and ancillary neighborhood commercial uses permitted under the CR-1 zoning district or permitted subject to special exceptions or special permits.
- ◆ **Traffic Access**  
The lot has limited access. It is 323 feet wide along westbound Highway 90 at the Des Allemands Bridge. A DOTD representative stated access to the Highway 90 right-of-way would not be permitted at this location. A driveway to Highway 90 would allow vehicles to enter from the east and leave toward the west without a convenient U-turn. The driveway would intersect Twin Bridge Road, a substandard Parish street within

the highway right-of-way that allows vehicles to drive under the bridge at low clearance toward Up the Bayou Road and Down the Bayou Road.

Dans Lane is a 50' wide local street which dead ends on the west side of the lot. Access to commercial zoning from Dan's Lane requires a Special Permit; R-1A is a residential zoning district, so access from Dan's Lane to a single family house would not require a Special Permit, but improvements/extension of the right-of-way may be required.

◆ **Utilities**

Sewer and water facilities are available on Dan's Lane. Representatives from the Department of Public Works & Wastewater and Department of Waterworks have no objections to the rezoning.

<b>APPLICABLE REGULATIONS</b>
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**Appendix A. Section VI. – Zoning District Criteria and Regulations**

**[I.] R-1A. Single family residential detached conventional homes—Medium density.**

1. Use Regulations:
  - a. A building or land shall be used only for the following purposes:
    - (1) Site-built single-family detached dwellings
    - (2) Accessory uses
    - (3) Private recreational uses
  - b. Special exception uses and structures include the following:
    - (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
    - (2) Showing the 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.
  - 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) and country clubs with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines.
    - (4) Educational, religious and philanthropic institutions. These buildings must be set back from all yard lines a distance of at least one (1) foot for each foot of building height.
    - (5) Modular, panelized and precut homes, provided that they are placed on a permanent foundation.
    - (6) Reserved.
    - (7) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
    - (8) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.
2. Spatial Requirements:
  - a. Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet
  - b. Minimum yard sizes:
    - (1) Front—Twenty (20) feet
    - (2) Side—Five (5) feet
    - (3) Rear—Twenty (20) feet
    - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively 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) 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 setback of accessory buildings including overhangs, shall be three (3) feet.
    - (4) Nonresidential accessory buildings shall not be permitted.
  - d. Permitted encroachments:
    - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
    - (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.

**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 district is not considered a spot zoning as it would permit uses that are compatible with the largely single-family neighborhood adjacent to the subject site. But the proposed zoning would conflict with the FLUM designation of the site which is primarily General Commercial. **The request fails 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 land use pattern in the area is largely single-family residential, with commercial uses located on LA 631 and Highway 90 and a developed residential neighborhood between the two highways. Lot 3-B was created in 2013 as an irregularly-shaped split-zoned lot. Approximately two acres along the Highway 90 side is zoned C-3 and the remainder towards the LA 631 side is zoned R-1A(M). Although the lot has Highway 90 frontage, it has limited access due to being located near the highway's approach to the Des Allemands Bridge, where traffic volume and speeds are high. LA DOTD District 02 has indicated that access to Highway 90 is not likely to be permitted at this location. Dan's Lane, the only other access is a residential neighborhood. The current C-3 zoning does not allow reasonable use of the property, and R-1A does. **The request meets 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.* Representatives from the Department Public Works & Wastewater and Department of Waterworks have no objection to the proposed zoning change. Sewer and water are available in the area and able to support R-1A uses. The site-built single family houses permitted in the R-1A zoning district would be compatible with the existing residential neighborhood abutting the majority of Lot 3-B. **The request meets the third guideline.**

### ANALYSIS

The applicant requests a change of zoning from C-3, Highway Commercial and R-1A(M), Single Family Residential (Manufactured Homes) to R-1A, Single Family Residential on 3.2 acre Lot 3-B, 17344 Highway 90, Des Allemands. The applicant purchased the property in December 2020.

The requested change meets the second and third rezoning guidelines. Lot 3-B's location on Highway 90 near the Des Allemands Bridge creates significant hurdles regarding access, which severely limits the site's ability to be used for commercial purposes. The uses permitted in the proposed R-1A district would also not overburden existing public infrastructure and be more compatible with the adjacent single family residential neighborhood.

The site is three (3) acres, so approval would require a corresponding change to the Future Land Use Map.

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval.**