

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR 2015-02

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date: 12/9/14**
Michelle Oubre
106 Valcour Ln
Destrehan, LA 70047
504.472.4392
- ◆ **Location of Site:**
14100 River Rd (corner Ormond Village Dr) Destrehan.
- ◆ **Requested Action**
Change of zoning from CR-1 to R-2
- ◆ **Purpose of Requested Action**
Residential zoning desired, instead of transitional light commercial.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Approximately 9,200 sq. ft.
- ◆ **Existing Land Use and Zoning**
CR-1 & vacant.
- ◆ **Surrounding Land Uses and Zoning**
C-2 zoning and land use on upriver and downriver side of site; R-3 zoning and land use to rear of site.
- ◆ **Traffic Access and Parking**
River Rd & Ormond Village Dr.
- ◆ **Plan 2030 Recommendations:**
General Commercial.

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.
 - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.

- c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
- a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

[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.* (Ord. No. 06-12-6, § II, 12-4-06)
 - (5) *Reserved.* (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § III, 4-3-95)
 - (6) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § V, 10-5-92)
 - 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. (Ord. No. 08-8-9, § VII, 8-18-08)
 - 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.

ANALYSIS

CR-1 zoning designation is designed so that site currently used residentially will eventually “transition” into a light commercial zoning and thus, land use. But in this case, the site has remained vacant. Now there is interest in the site for residential use—likely for single-family but potentially for a duplex if the first option does not transpire. The applicant states that this potential buyer states that the financial institution for potential buyer desires total residential zoning designation in order for them to adequately appraise the property.

Along River Road on both its sides, the land is zoned C-2 but in C-1 use. However to its rear on Ormond Village Drive, the site abuts a multi-family zoning and land use. So rezoning this site that has remained vacant since the enactment of the Zoning Ordinance into a residential land use similar land use to some of the abutting land uses would not be a capricious or arbitrary change. All of these are considerations of the **third criteria, which this application meets.**

Rezoning to R-2 would conflict with the Future Land Use Map. However, this section of the site is below the three acre threshold that mandates a corresponding FLUM amendment. No change to the adopted FLUM is recommended at this time.

DEPARTMENT RECOMMENDATIONS

Approval.