

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2019-19-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 9/3/19**
Precision Plumbing & Maintenance, LLC
45099 North Shadow Creek Drive
Hammond, LA 70401
(985)-215-8317; precision2705@gmail.com
- ◆ **Location of Site**
Tract 76, Victoria Acres Subdivision; 907 Vans Lane, New Sarpy
- ◆ **Requested Action**
Rezoning of Tract 76, Victoria Acres Subdivision from R-1A(M), Single Family Residential to R-2, Two-Family Residential.

SITE INFORMATION

- ◆ **Size of Parcel**
Tract 76 is 43,560 square feet (1 acre), has 118 feet of frontage on Vans Lane and 369 feet of frontage on Ninth Street.
- ◆ **Current Zoning and Land Use**
R-1A(M); Tract 76 is vacant and wooded.
- ◆ **Surrounding Zoning and Land Use**
R-1A(M) zoning is adjacent on each side.

The site is located in a moderately developed area of the Victoria Acres Subdivision. Site-built single family or manufactured homes occupy developed lots.

- ◆ **Future Land Use Recommendation**
Residential/Mixed Use: This land use designation applies in areas appropriate for large scale, creatively planned developments where the predominant use is residential, but where a variety of housing types at varying densities are encouraged, as well as compatible, local serving commercial and service uses. Development under this land use category is anticipated to take the form of Planned Developments (PD's) as well as Traditional Neighborhood Developments (TND's).
- ◆ **Traffic Access**
The site has 118 feet of frontage on Vans Lane, and 369 feet of frontage on Ninth Street.
- ◆ **Utilities**
There is a sewer line on Vans Lane and water line on the north side of Ninth Street. No sewer is available along Ninth Street. Wastewater for development on future lots fronting on Ninth Street must be pumped to the nearest manhole.

Representatives of Public Works & Wastewater and Waterworks indicate existing utilities in the area can accommodate R-2 uses, with no concerns regarding transportation and drainage at this time.

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.

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 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 *Residential/Mixed Use* for this site, which provides for large-scale planned developments with a variety of housing types/densities and neighborhood serving commercial uses. While two-family dwellings permitted in the R-2 zoning district would fulfill the goals set by the FLUM designation, it anticipates these uses as part of large scale planned developments, not individual sites. The request would also be considered a spot zone as no R-2 zoning exists within the vicinity of the subject site. **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.* Victoria Acres was platted in 1923 as one-acre lots (118' x 369') on a 30-foot wide road. The neighborhood consists of a mix of site-built houses and mobile homes; some lots have been subdivided; most of the lots that remain a full acre are developed with more than one dwelling unit. The neighborhood is zoned OL from River Road to the railroad and R-1A(M) from the railroad to the levee. Both zoning districts permit up to four dwellings on unsubdivided property subject to special provisions. This land-use pattern and neighborhood character has not changed over time. The existing R-1A(M) zoning allows reasonable use, up to four dwellings on the acre-sized lot or more dwellings if it is divided into smaller lots. **The request fails 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.* Duplexes would not be incompatible with the existing neighborhood density. The proposed rezoning request falls within the adopted land use plan and the housing types are not incompatible, however the vacant land across 9th Street and the adjacent FLUM category of Moderate Density Residential creates challenges when drawing conclusions about the totality of neighborhood character. Based upon comments from the previous Planning Commission meeting and the public hearing for a previous request on site, the Department finds that the proposal is not incompatible based upon previous comments at the Commission. Existing public facilities, which include a water line along the north side of Ninth Street, and a sewer line along Vans Lane, would not be overburdened by the development potential of the R-2 zoning district (up to 10 dwelling units). **The request meets the third guideline.**

ANALYSIS

The applicant requests a change of zoning from R-1A(M), Single Family Residential to R-2, Two-Family Residential on Tract 76, Victoria Acres Subdivision, municipal address 907 Vans Lane, New Sarpy. The lot exceeds the minimum area and width requirements for the proposed zoning district, and two R-2 spot zones exist in the neighborhood. The request meets the third evaluation guideline in that it will not be incompatible with the existing neighborhood or overburden infrastructure.

It should be noted that community sewer is only available along Van's Lane, not along Ninth Street. This means that dividing the Tract 76 along Ninth Street might require the major subdivision process and installation and dedication of sewer to serve new lots.

Because the site is less than three (3) acres, approval does not require an amendment to the Future Land Use Map.

DEPARTMENT RECOMMENDATION

Approval