

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2017-08

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 3/3/17**
Mark A. Guidry
722 St. Rose Ave
St. Rose, LA 70087
504.317.5795; guidrymark@yahoo.com
- ◆ **Location of Site**
Lots 17-A and 12-A of St. Rose Gardens.
722 & 726 St. Rose Avenue, approximately 211 feet south of the CN Railroad
- ◆ **Requested Action**
Change of zoning district from R-1AM to R-2 on two lots.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Each lot has 60 feet of frontage on St. Rose Avenue and approximately 129 feet of depth. Lot 12-A has 7,775 square feet. Lot 17-A has 7,825 square feet. Each lot exceeds the minimum width and square footage for the R-2 zoning.
- ◆ **Current Zoning and Land Use**
R-1A(M). A mobile home is situated on Lot 17-A with Lot 12-A being the side yard
- ◆ **Surrounding Zoning and Land Uses**
C2 zoning abuts the railroad, rear, and River Road sides and also across St. Rose Avenue. R-1AM zoning is on southwest corner across St Rose Avenue and R-1A zoning is at the southeast corner of the site as well as to the rear. A house and a mobile home are across St. Rose Avenue. An office/warehouse abuts the River Road side of the site. The remaining land uses are vacant or undeveloped, a pasture with horses is to the rear of the site.
- ◆ **Plan 2030 Recommendation**
Neighborhood Commercial. Neighborhood Commercial areas accommodate retail sales and services for the daily self-sufficiency of residents of a neighborhood or neighborhoods, such as convenience shopping, dry cleaners, hair salons and barber shops, day care centers, coffee shops, professional and business service offices, etc. Uses permitted in the C-1 (Commercial Office) zoning district are allowed in this district. Some uses that are permitted in the C-2 zoning district are also appropriate (e.g., bakeries, tailors, etc.).

On the Future Land Use Map, Neighborhood Commercial areas are shown conceptually as nodes around major intersections or segments along roadways where commercial uses serve on or multiple adjacent neighborhoods, or where the development of new commercial uses to serve adjacent neighborhoods is intended. The size of a Neighborhood Commercial area ranges between 2-5 acres, and its service/trade area is approximately 1 mile.
- ◆ **Traffic Access**
Both lots have frontage on St. Rose Avenue (LA 626), an arterial that connects River Road to Airline Drive.

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, 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.

AND

Zoning Ordinance, Section VI. B. [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.

ANALYSIS

The applicant requests rezoning two lots from R-1AM to R-2 in order permit duplexes on each. Both lots exceed the 6,000 square foot area requirements for R-2 zoning. If rezoned to R-2, two attached dwelling units could be permitted on each lot for a maximum of four residences.

The St. Charles Parish Zoning Ordinance establishes three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines.

The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood. The Future Land Use designation for the property is Neighborhood Commercial. The Comprehensive Land Use Plan lists CR-1, C-1, and C-2 zoning districts as compatible for this future land use category (Table LU-6, page 74). With regard to spot-zoning, lots were rezoned R-2 and developed with two and three-family structures in the neighborhood (Ord. 82-6-13). Four duplexes exist in the vicinity, but the neighborhood consists primarily of single-family structures. **The request does not meet the first guideline.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point where the existing zoning no longer allows reasonable use of the subject property. The site is currently developed with a mobile home in residential use, so the current zoning does not prohibit reasonable the use of the property. However, the area does appear to be in transition. The lots are surrounded by C-2 zoning that is developed with such a mixture of uses—from vacant and wooded on the north to a horse barn on the east or rear, to a commercial building on the south, and legally non-conforming site-built and mobile-home residences across St. Rose Avenue—which residences are abutted by a vacant, graded lot that appears to be used for railroad maintenance. While the area appears to be in transition, it does not appear that it is transitioning to R-2 residential uses. The R-1AM zoning does not deprive the lots of reasonable use. **The request does not meet second guideline.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character and will not overburden existing public infrastructure. As described above, the existing neighborhood is such a mix of construction styles and land use activities that it cannot be said that two duplexes would be out of character with the neighborhood. Representatives of Waterworks and of Public Works for Drainage and Wastewater indicate that the development of three additional dwelling units would not overburden utilities, and St. Rose Avenue could accommodate the trips estimated to be generated from the addition of three new dwelling units (27 trips to/from the site daily). **The request meets the third guideline.**

DEPARTMENT RECOMMENDATIONS

Approval, based on meeting the third guideline.