

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-12-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 6/18/2020**  
Clifford J. Davis  
C&J Re Investors, LLC  
4626 St. Charles Avenue  
New Orleans, LA 70115  
(347)-982-7119; candjreinvestors@gmail.com
- ◆ **Location of Site**  
400 Apple Street, Norco
- ◆ **Requested Action**  
Rezoning from R-1A, Single Family Residential-Detached Conventional Homes to R-3, Multi-Family Residential on two separate but contiguous properties designated as a portion of Lots 1 AND 2, Square M, Good Hope Subdivision.

### SITE INFORMATION

- ◆ **Size of Site**  
Approximately 8,647 square feet (currently two lots)
- ◆ **Current Zoning and Land Use**  
R-1A; the site is developed with a two-story multi-unit building. The two units on the second floor are used as residential dwellings while the first floor is vacant.
- ◆ **Surrounding Zoning and Land Use**  
The site is surrounded by R-1A zoning and is located in a developed neighborhood consisting primarily of site-built single family homes. Specifically, single family homes are located adjacent to the Airline side, to the rear across St. Charles Street, and to the front across Apple Street. A legally non-conforming duplex is located to the River Road side, across Fourth Street.
- ◆ **Future Land Use Recommendation**  
*Low Density Residential:* (from 4 up to 8 dwellings per gross acre) this category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
- ◆ **Traffic Access**  
The site is a through lot on a corner, with access possible from Apple, Fourth, and St. Charles Streets.
- ◆ **Utilities**  
Representatives from the Department of Waterworks and Department of Public Works & Wastewater stated they have no objection to the request. If approved, a backflow preventer will be required if each unit will be on a single water meter.

### APPLICABLE REGULATIONS

#### **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.

**[VIII.] R-3. Multi-family residential:**

1. Use Regulations:
  - a. A building or land shall be used only for the following purposes:
    - (1) All uses allowed in the R-2 district.
    - (2) Multi-family dwellings.
    - (3) Boarding and lodging houses.
    - (4) Townhouses (see Section VII for Supplemental Use and Performance regulations).
  - b. Special exception uses and structures: As approved by the Planning and Zoning Commission only:
  - c. Special permit uses and structures:
    - (1) Supplemental C-1 and C-2 uses.
    - (2) *Reserved.*
    - (3) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
2. Spatial Requirements:
  - a. Minimum lot size: Ten thousand (10,000) square feet; minimum width - sixty (60) feet; two thousand five hundred (2,500) square feet per family.
  - b. Minimum yard requirements:
    - (1) Front - twenty (20) 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. Maximum land coverage: Eighty (80) percent (twenty (20) percent green space).
  - d. Accessory buildings:
    - (1) Accessory buildings shall be of one story construction not to exceed sixteen (16) feet in height.
    - (2) Accessory buildings shall be located on the same parcel of land as the main structure.
    - (3) Nonresidential accessory buildings shall not be permitted.
  - e. 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: Servitude of access, local, or collector street.
4. Special Provisions:
  - a. Where any multi-family residential district (R-3) abuts any residential zoning 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.

<b>REZONING GUIDELINE EVALUATION</b>
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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 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 Future Land Use designation for this site is Low Density Residential, which accounts for single family dwellings at a density of 4 to 8 units per acre. The residential density permitted in the R-3 district, which is up to 17 dwellings per acre, is not provided for by this designation. The request would also be considered a spot zone, as no R-3 zoning is located in the area. **The request does not meet the first guideline.**

- 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.* The site is comprised of two lots—the rear appears on the map entitled “Good Hope Subdivision” by J.A. Carmena dated 1921 and the lot with the building appears on “Map of Subdivision of Lot E” by H.E. Landry, dated 1929. This building was likely developed shortly after the lots were platted. The site has consistently been zoned for single-family uses since the 1973 zoning (R-1) and again with the 1981 Parish-wide zoning (R-1A(M) which was changed to R-1A area-wide in 1990).

Department records and anecdotal reports suggest the building has been occupied by commercial uses on the ground floor and up to two residential uses on the second floor over time; however, since at least 2003, Entergy & Waterworks records show no more than two meters in active use.

The property owner can continue to use the building with two residential units; this is a legally non-conforming use that could be permitted with no changes to the building or site. The Parish’s non-conforming use requirements prohibit the expansion of this type of site, in order to prevent negative impacts to the surrounding single family neighborhood character.

The existing R-1A zoning does not prevent reasonable use of the property. The applicant seeks to expand a non-conformity through a zoning change. While the change would accommodate one aspect of the request, a change to R-3 would not significantly increase the development potential of the site, and the improvements required will be difficult to meet, and further variance requests would be required to bring the use into current compliance. **The request does not meet the second guideline.**

- Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* The site does not meet the minimum 10,000 sq. ft. area required for an R-3 lot. If the site is rezoned, the combined lots could be permitted for residential uses at a density of one (1) dwelling unit per 2500 square feet of lot area or up to three (3) dwelling units. Renovation to multifamily uses at any density would require site design improvements: 2.5 off-street parking stalls per unit, landscaping, and buffer fencing which would be incompatible with the surrounding neighborhood and may cause congestion of streets or drainage impacts. **The request does not meet the third guideline.**

## **ANALYSIS**

The applicant requests a change of zoning from R-1A, Single Family Residential to R-3, Multi-Family Residential on 8,647 square feet spread across two separate lots located at 400 Apple Street, Norco.

The request does not meet any of the three criteria for rezoning. An R-3 zoning district does not conform to the FLUM, and it would be a spot zone. The existing R-1A zoning does not prevent reasonable development of the property. And the uses permitted in the proposed district, mainly multi-family residential development, would be incompatible with the surrounding neighborhood which is predominantly single-family with some legally non-conforming two-family buildings.

## **DEPARTMENT RECOMMENDATION**

**Denial due to failing the three criteria and proposing a spot zone.**