



## Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-5-R

### APPLICATION INFORMATION

- **Submittal Date:** 2/26/24
- **Applicant / Property Owner**  
Richard D. Whitney, Jr.  
Whitney Properties XII, LLC  
14471 River Road  
Hahnville, LA 70057  
504.430.3600; rdw2@wpm.holdings
- **Request**  
Change of zoning:
  - Current - R-1A, Single Family Residential Detached Conventional Homes - Medium density
  - Proposed - R-2, Two Family Residential

### SITE INFORMATION

- **Location**  
Lots 6A, 6B, 6C, and 6D located on the north-east corner of Antoine Lane and Luling Avenue, Luling.
- **Size:** 44,379 sq. ft. (1.01 acres)
- **Current Use:** vacant and cleared
- **Surrounding Zoning:** R-1A
- **Surrounding Uses**  
The site is located in a developed residential neighborhood consisting of site-built single-family homes.
- **Zoning History**  
The existing R-1A district was established in 1981.
- **Future Land Use Recommendation**  
*Low-to-Moderate Residential: Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections (over six dwellings per acre).*  
  
*Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1AM (accessory units and individual mobile homes)*
- **Flood Zone & Minimum Building Elevation**  
1992 Flood Insurance Rate Map: X Zone  
2013 Digital Flood Insurance Rate Map: X
- **Traffic Access**  
Lots 6A and 6B are accessed via Antoine Lane, a 14 ft. wide servitude for ingress and egress passing through the lots. Parish maintained improvements within the Antoine Lane servitude includes a 12 ft. wide asphalt surface, water line, and sewer line.

Lot 6C is a corner lot which like 6A and 6B, has a portion of the Antoine Lane servitude running through it. Access to 6C is also available via Luling Avenue.

Lot 6D has frontage and access exclusively via Luling Avenue.

▪ **Utilities**

Per the Parish GIS water and sewer facilities are available along Antoine Lane and Luling Avenue.

The Department of Waterworks stated they see no issues with the potential increased development potential and its effect on water service.

Per the Senior Parish Engineer with the Department of Public Works there are general drainage concerns but no objection to the rezoning.

<b>APPLICABLE REGULATIONS</b>
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**Appendix A. Section VI. – Zoning District Criteria and 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: 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 & CRITERIA EVALUATION

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 subject site is in an area designated *Low-to-Moderate Residential*, which primarily anticipates development of those detached residential uses typically permitted in the R-1A, R-1B, and R-1A(M) zoning districts. The designation also considers alternative attached housing types with a moderately higher density not permitted by right, in those districts. This includes duplexes, patio/zero-lot line homes, townhomes, and accessory units. The R-2 zoning district is not explicitly recommended under the *Low-to-Moderate Residential* designation, but with duplexes considered in the description as an appropriate development type the proposed R-2 zoning could be considered appropriate and in conformance with the *Low-to-Moderate Residential* designation.

There is no R-2 zoning in the area, and while consisting of four (4) lots the site totals only an acre in size. Because the request involves multiple lots in a localized block, even if viewed as a spot-zone, it is not one that is incompatible with the surrounding neighborhood. Due to conformity with the Comprehensive Land Use Plan and the localized area in the request, the Department views the first criteria as met. **The request meets 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 existing R-1A zoning district was established in 1981 and the surrounding area has long been developed with single-family homes. Under the current zoning each of the four (4) subject lots can be developed by right with site-built homes. While the potential to double the dwellings that may be permitted with a change to R-2 is beneficial, the ability to permit four (4) new homes right now is far from unreasonable. Additionally, this has not been impacted by substantial changes in the land-use pattern or character of the neighborhood, which remains consistent with what is permitted under the current zoning. **The request does not meet 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.*

While requirements related to lot size, setbacks, building coverage, and site-built construction are the same between the R-1A and R-2 districts, the key difference is the introduction of duplexes as a permitted use. The ability to develop single family

homes is still retained under R-2 zoning. And a modern duplex can be constructed in a way to be indistinguishable from standard single-family construction. Due to the similar setback and bulk standards, the additional use of duplex units would not be incompatible with exiting development.

The site is located in a developed area where Parish water, sewer, and drainage facilities are available, and are not expected to be overburdened by the increased development potential. **The request meets the third guideline.**

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval, due to meeting two of the three rezoning criteria.**

**This request will be forwarded to the Parish Council for a second public hearing with the Planning Commission's recommendation.**