

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

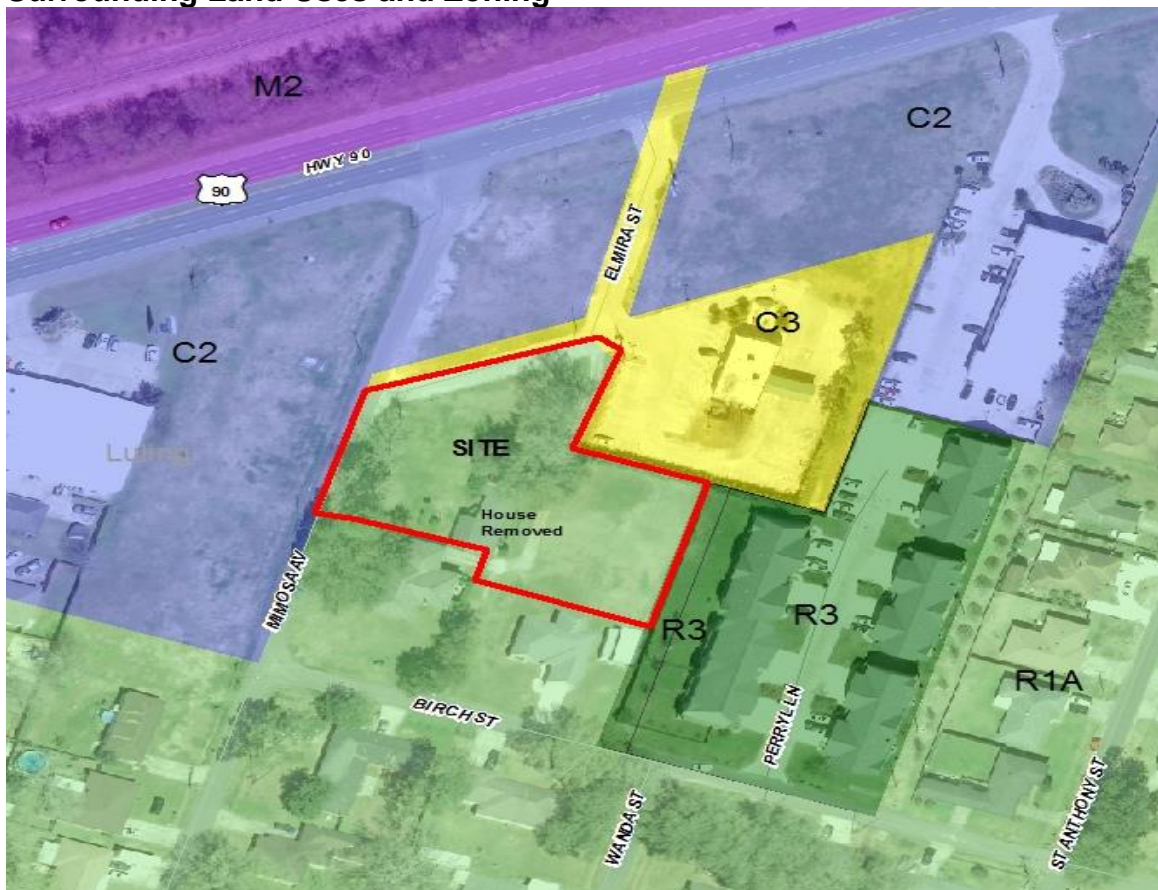
CASE NUMBER: PZR 2015-27

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** Sergio Morales
4041 Arizona Ave
Kenner LA 70001
504.400.8881
sergio.mcg@consultant.com
- ◆ **Application Date** 10/29/15
- ◆ **Location of Site:**
87 Mimosa Ave, Luling
- ◆ **Requested Action**
Change of zoning from R-1A to R-3
- ◆ **Purpose of Requested Action**
Development of seven townhomes.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Approximately 32,430.22 sq. ft.
- ◆ **Zoning and Current Use:**
R-1A & vacant.
- ◆ **Surrounding Land Uses and Zoning**



C-2 zoning and vacant land uses across Mimosa Ave; small strip of C-3 on north side; C-3 zoning and land uses on northeast side; R-3 zoning and land uses on east side; R-1A zoning & land uses on south side.

◆ **Traffic Access and Parking**

Applicant intends to have driveway access from Mimosa Avenue.

◆ **Plan 2030 Recommendations:**

Moderate Density Residential.



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.

[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. (Ord. No. 88-5-5, 5-16-88)
 - (2) Multi-family dwellings including duplexes, apartments, apartment houses, townhouses, and condominiums.
 - (3) Boarding and lodging houses.
 - 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. (Ord. No. 88-5-6, 5-16-88)
 - (2) Reserved. (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § IV, 4-3-95)
 - (3) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § VI, 10-5-92)

il=50q Editor's note— Section VI of Ord. No. 92-10-9, adopted Oct. 5, 1992, added § VIII.1(c)(3). The editor has interpreted the intent of the section to add § VI.B[VIII]1.c(3).
 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 (Ord. No. 08-8-9, § VIII, 8-18-08).
 - 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. (Ord. No. 82-3-3, § II, 3-1-82; Ord. No. 12-7-4, § IX, 7-2-12)
 - 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. (Ord. No. 82-3-3, § II, 3-1-82)
 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. (Ord. No. 82-6-9, § III, 6-7-82)
 - b. 1. Townhouses: Single-family attached dwellings on individual lots for sale served by servitudes of access or fronting a public street.
 - (a) Location: In R-3 districts, townhousing shall be allowed.
 - (b) Procedure: Applicants wishing to subdivide existing multi-family lots into townhouse lots shall file for subdivision as per section II, subsection B.4., of St. Charles Parish Subdivision Regulations (Appendix C).
2. Site Plan and Design Criteria, Details:
 - (a) Minimum width for the portion of the lot on which the townhouse is to be constructed shall be twelve (12) feet.
 - (b) Minimum yard requirements:
 - (1) Front—twenty (20) feet.
 - (2) Side—ten (10) feet.
 - (3) Rear—twenty (20) feet.
 - (4) Area—twenty-five hundred (2500) square feet.
 - (c) Each townhouse shall have its own rear yard of at least one hundred twenty (120) square feet. When rear parking is provided it shall be reasonably secluded from view from a street, parking area or from neighboring property. Such yard shall not be used for any accessory building.
 - (1) Grouped parking facilities: Insofar as practical, off-street parking facilities shall be grouped in bays, either adjacent to access drive or in the interior of blocks. Adequate drainage shall be provided by developers in connection with common parking facilities, and all such facilities shall be improved to parish standards for off-street parking areas, with at least two (2) spaces per unit on the lot plus one (1) visitor parking space per each two (2) units.
 - (2) Courts, Open Space, and Recreational Areas: A minimum of two hundred (200) square feet per dwelling unit of recreation space must be provided. At the discretion of the director, recreation space may not be required provided that the developer pay a two hundred dollar (\$200.00) recreation fee per unit to the parish for the development of recreational facilities.

3. Utilities and Landscaping: Design and construction of drives, drainage, and location of utilities shall be subject to review and approval by the Planning and Zoning Department. A minimum of twenty (20) percent of the site must be appropriately landscaped.
 - (1)[a] Interior access drives shall be at least twenty-two (22) feet wide for two-direction drives or twelve (12) feet with one-direction drive and must be properly drained.
 - (2)[b] Parking areas shall conform to section VIII of the St. Charles Parish Zoning Ordinance.
 - (3)[c] Before approval of the final subdivision plat, restrictions shall be submitted, including designation of all servitudes, lot lines, parking areas and other open spaces, with provision for perpetual maintenance of all improvements, including pavements, landscaping, utilities and servitudes. The above items will be filed with the resubdivision of the R-3 parcel.
 - (4) Buffer zone: There shall be a six-foot solid wood or masonry fence along the sides and rear of the property wherever it adjoins any single-family residential zoning district.
- (Ord. No. 88-3-9, 3-7-88)
(Ord. No. 82-6-9, § III, 6-7-82)

ANALYSIS

The owner of this lot is requesting a rezoning to R-3 for the purpose of developing 7 townhomes on the site. The site exceeds the minimum hard-surface frontage and area requirements. A conceptual site plan has also been submitted that confirms the individual townhomes will meet or exceed the minimum requirements for townhome sites. This site plan shows 3 of the 7 townhomes will front on Mimosa Avenue and the other 3 will front on a private drive, indicated as an “access way.”

In order to receive a recommendation for approval, a rezoning request must meet all the criteria of at least one of three tests. The Department finds that this request **meets all three.**

It meets the first criteria because it is consistent with the Future Land Use Map (FLUM) recommendation for *Moderate Density Residential*. It is a better fit for the neighborhood than its current R-1A zoning. It is also not a spot zone because it abuts another site with R-3 zoning and land uses.

It meets the second criteria for two reasons. First, “the pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant’s property.” The previous owner demolished a house and placed the lot for sale and has had difficulty selling it even though it well exceeds the minimum lot size for R-1A zoning. Second, its “unusual physical or environmental limitations due to its (unusual) shape” makes it impossible to create an additional lot. Therefore, the owner had limited options. At the same time, there has been a continuing demand for new townhome development. Therefore, rezoning the site to R-3 fulfills the second criteria.

To the rear of the site, a fully developed town home subdivision exists. So rezoning the site to R-3 “will not be incompatible with existing neighborhood character.” Public utilities are in place along Mimosa Avenue that extends into Mimosa Park Subdivision and the applicant intends to connect to those utilities. Public Works/Wastewater and Waterworks have clarified that the utility installations connections extending into the site and the access way as well will be ***private*** and installed and maintained at owner expense. The Directors of Public Works/Wastewater and Waterworks have also confirmed that there will be no “overburden on public facilities and infrastructure.” This includes drainage, as an approved drainage plan is required before a permit will be issued by Planning & Zoning. Therefore, **the third criteria is met.**

DEPARTMENT RECOMMENDATIONS

Approval.