

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT

**CASE NUMBER: PZR 2015-11**

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date: 4/13/2015**  
Betty Muller  
141 Loupe Street  
Luling LA, 70070  
**504.559.8517**
  
- ◆ **Location of Site:**  
Lot B-1A of Loupe Subdivision; 12801 River Road, Luling.
  
- ◆ **Requested Action:**  
Rezone to eliminate a C2/OL split-zone and a companion application for a Special Permit Use for an R3/multi-family residential use.

### SITE-SPECIFIC INFORMATION

- ◆ **Zoning and Land Use:**  
Lot B-1A is developed with a wood frame house that likely dates to the 30s or 40s. The lot is split-zoned such that its front yard on River Road is C2 and location of the house and remaining yards are OL. Lot B-2 is zoned OL.
- ◆ **Surrounding Land Uses and Zoning:**  
To the north, the batture is zoned B2 but vacant. To the south, east, and west, zoning is C2 on River Road and OL from Martin Street to the railroad to Sugarhouse Road with one mobile home park zoned R-1M. The neighborhood is approximately 75 acres bounded by Sugarhouse Road, River Road, Martin Street or the Monsanto plant entrance, and the Monsanto industrial complex. The neighborhood is characterized by large tracts with large houses near River Road and sparse residential development with multi-unit buildings and mobile homes mixed with single-family houses off the road.
- ◆ **Plan 2030 Recommendations:**  
General Commercial and low-density residential (4-8 dwellings per gross acre). The future land use map is not parcel specific, however, in this specific area, future land uses follow the zoning district lines. As this request is to adjust a zoning district line to change zoning on less than 3 acres for a compatible with existing adjacent uses, no amendment to the future land use map is required.
- ◆ **Utilities:**  
Standard utilities (water, sewer, drainage, electricity, gas, and telecommunications) are available to the subject site.
- ◆ **Traffic Access:**  
Lot B-1A has access from River Road and also from Loupe Street

### APPLICABLE REGULATIONS

#### Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
  - a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
  - a. Undue congestion of streets and traffic access.

- b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
  - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
  - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
- a. It is not capricious or arbitrary in nature or intent.
  - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
  - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
  - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

**AND:**

**Section VI. [III.] C-2 General commercial district— Retail sales:**

1. Use Regulations:

a. A building or land shall be used for the following purposes:

- (1) All uses allowed in C-1 District. (Ord. No. 88-5-5, 5-16-88)
- (2) Retail sales (except auto and mobile home sales), usage, and storage
- (3) Hotels, motels and apartment hotels
- (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
- (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances.
- (6) Animal hospitals where all animals are kept inside the building
- (7) Service station
- (8) Commercial recreation facilities
- (9) Commercial greenhouses and nurseries
- (10) Commercial schools
- (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following: Bicycles, radios, televisions, stereos and recorders, household appliances, locksmiths, typewriters, other similar uses
- (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses: dressmakers, millinery, tailors, baking goods sales, laundry and dry cleaners, theatres (but not the drive-in type)
- (13) Laboratories
- (14) Customary accessory uses incidental to the above uses when located on the same lot
- (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
- (16) Cemeteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts
- Cellular/communication towers. (Ord. No. 95-9-11, 9-18-95)
- (17) Other uses of similar intensity.
- (18) Mini-storage facilities (limited to one-story construction in C-2 district)
- (19) Historic home site bed and breakfast. (Ord. No. 13-7-6, § II, 7-1-13)

b. Special exception uses and structures include the following:

- (1) Dwelling units contained within the office building
- (2) Reserved
- (3) Reserved
- (4) Churches
- (5) Movie theaters
- (6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director.

c. Special permit uses and structures include the following:

- (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
- (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
- (3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.

- (4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.
- (5) Heating and air conditioning service.
- (6) Sheet metal shops
- (7) Plumbing shops.
- (8) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
- (9) Bingo halls, video bingo parlors, and off-track betting establishments upon review of the planning commission and ordinance of the St. Charles Parish Council.

2. Spatial Requirements:

a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) feet.

b. Minimum yard sizes:

(1) Front - twenty (20) feet

(2) Side - five (5) feet

(3) Rear - ten (10) 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, § XI, 8-18-08)

3. Transportation Requirements: Arterial

4. Special Provisions:

a. Where any commercial use in a C-2 zoning district abuts any residential 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; Ord. No. 98-1-3, § III, 1-5-98)

**ANALYSIS**

Last month, the applicant resubdivided two lots near River Road in Loupe Subdivision creating Lot B-1A. The applicant proposes renovations to the house on Lot B-1A to convert it to a duplex with separate electrical meters. In the past the house has had up to four dwelling units.

Currently, the house is on the OL-portion of Lot B-1A; OL zoning does not permit duplexes or multi-family structures or uses. In order to preserve the zoning pattern in the neighborhood, staff advised the applicant to request a change of the zoning district in such that Lot B-1A is entirely C2, which allows multi-family residential uses as a Special Permit. The applicant is also requesting a special permit (PZSPU 2015-12). Because the neighborhood is characterized by a mix of commercial uses and residential uses of various types, a multi-family use at this location is compatible with the neighborhood.

In order to receive a recommendation for approval, a rezoning request must meet all the criteria of at least one of three tests. This request meets the criteria of the second test.

The second test is designed to protect the public interest by preventing traffic congestion and the overburdening public utilities and facilities, to ensure compatible land uses, and to maintain a balance of particular zoning districts in proportion to the population. The first criterion considers whether rezoning and potential development would create undue congestion of streets and traffic access. Adjusting the zoning district line to encompass all of Lot B-1A is likely to *relieve* traffic congestion associated with any commercial use on Lot B-1A. Currently, only 5,822 square feet of the property is within the C2 zoning district with 71' of frontage on River Road and 82' of frontage on Loupe Street. This is a common problem with the 1981 zoning ordinance and map—many C2 and C3 zoning districts fail to capture large enough properties to encourage quality commercial development. Adding the 12,375 remaining square feet and 155' feet of frontage on Loupe Street to the C2 zoning district creates a lot that can better accommodate a general commercial use. The proposed use requires only four parking stalls, but should the lot ever convert to a C2 use, there is adequate space to develop code-required parking, loading, beautification landscaping, and buffering on the site.

The second criterion considers overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities. Transportation is discussed above; overcrowding is unlikely. Water, sewerage, and drainage utilities are in place and able to accommodate C-2 uses or the addition of two families within the service area. Generally, C-2 uses do not impact park facilities. Considering the request for a two-family dwelling, the Mississippi River Trail is just on top of the levee and Monsanto Park is within walking distance. Each park can accommodate two additional families in their service area.

The third criterion considers whether a change of zoning district will result in land or building usage that is incompatible with existing character or usage of the neighborhood. Because the house has been part of the neighborhood for decades, because it has been used for up to four dwelling units at one time, and because a companion application requests a Special Permit for a multi-family use the building, it is unlikely that the rezone will cause land or building usage incompatible with the surrounding neighborhood in the near term. Should the property develop a different C2 use, changing the zoning district line to encompass the portion of the lot the house sits on may actually preserve the character of the neighborhood by facilitating commercial use of the house a professional office or small retail or service shop. Extending the C2 line to the full extent of Lot B-1A further encourages quality commercial development by zoning adequate area for required parking, loading, and landscaping on one property.

Finally, the fourth criterion, which considers whether a rezoning would create an oversupply of types of land use or zoning in proportion to population, land use, and public facilities in the neighborhood, is also met. Even with the C2 in the neighborhood, there is virtually no neighborhood serving commercial development in the neighborhood, and commercial sites are split-zoned C-2/OL. Eliminating the split zoning on this property will facilitate quality commercial or residential use of the lot in the future.

<b>DEPARTMENTAL RECOMMENDATION</b>
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**Approval.**