

**St. Charles Parish
Department of Planning & Zoning**

LAND USE REPORT
CASE NUMBER: PZR-2019-01

GENERAL INFORMATION

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| <p>◆ Name/Address of Applicant
 Brennen & Melissa Friloux
 225 Lake Catherine Dr.
 Luling, LA 70070
 (504)-559-0568; frilouxventures@gmail.com</p> | <p>Application Date: 12/11/18</p> |
| <p>◆ Location of Site
 Lots 3, 4, 14, 15, Block 6, Mosella Subdivision; 14183 & 14189 Hwy. 90, Boutte</p> | |
| <p>◆ Requested Action
 Rezoning of Lots 3, 4, 14, 15 from C-3, Highway Commercial-Wholesale and Retail Sales to R-3, Multi-Family Residential</p> | |

SITE INFORMATION

- ◆ **Size of Parcel**
Each lot is 7,800 square feet, 60 feet wide. The site is 31,200 square feet with 120 feet frontage.
- ◆ **Current Zoning and Land Use**
C-3; developed with two single-family houses and one duplex. Only the houses are occupied.
- ◆ **Surrounding Zoning and Land Use**
C-3 zoning is adjacent to each side and to the front; C-2 zoning is adjacent to the Luling side and to the front; R-1A zoning is adjacent to the rear.

A RaceTrac gas station and convenience store is located to the front across Hwy. 90; single family houses are adjacent to the rear; a mobile home is adjacent to the Luling side and a single-family residence is adjacent to the Paradis side.
- ◆ **Future Land Use Recommendation**
General Commercial: Includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial–Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.
- ◆ **Traffic Access**
The site has 120 feet of width along and access to Hwy. 90.
- ◆ **Utilities**
Representatives of the Department of Public Works/Wastewater stated sewer in the area may be overburdened by multi-family development. The increase of residential use burden on a strained sewer line.

The Parish Senior Engineer stated if the property is developed, a site-specific drainage impact analysis is required to determine if drainage facilities can accommodate the development.

The Department of Waterworks stated that a 6" line exists to provide water to as many as 12 dwelling units; however, if sprinkling is required, the line on east-bound Highway 90 likely has capacity problems, and connecting to the larger line on the west-bound side of Highway 90, at the developer's expense, would be required.

APPLICABLE REGULATIONS

[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)
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.
 - 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. 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.

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.

REZONING GUIDELINE EVALUATION

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.* Plan 2030 recommends *General Commercial* for this site, which only provides for commercial uses permitted in the C-2 and C-3 districts. Residential uses are limited in commercial zoning districts by the Special Permit process. The rezoning would be a spot zoning, as permitting R-3 uses by right would extend privileges to this property not granted to any other in this area, and does not expand upon any existing R-3 zoning or uses. **The request fails 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.* This stretch of Highway 90 is zoned either C-2 or C-3 and developed with commercial uses. It is a commercial corridor. Seven (7) commercial permits have been issued over the past eight (8) years for new construction, additions, and renovations. This type of investment in a commercial corridor suggests the C-2 and C-3 zoning supports the corridor. The existing C-3 zoning is in line with this development pattern and does

not prohibit reasonable use of the property. **The request fails 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.* R-3 is a high-density residential zone permitting one dwelling unit per 2,500 square feet of site area. If the site is rezoned, up to 12 dwelling units could be developed. Representatives from Waterworks determined water could be supplied to dwelling units from this side of Highway 90, but supply for sprinkling would only be available from across Highway 90. Representatives of Public Works/Wastewater indicated existing sewer would be overburdened by 12 dwelling units on the. The existing sewer line is currently insufficient and in need of updating. The addition of a multi-family development would further overburden this existing facility. Representatives of Public Works/Drainage indicated that a drainage impact analysis would be required prior to a determination.

An R-3 spot zone would be incompatible with the existing neighborhood—a highway corridor at an interstate approach. Since Highway 90 was connected to I-310 by the nearby on and off ramps, the pace of highway commercial development sped up. On both sides of Highway 90 aging housing stock has been demolished to accommodate commercial uses to serve the highway interchange: gas station-convenience stores, drive thru restaurants, sit down restaurants, professional offices, and a hotel. **The request fails the third criteria.**

ANALYSIS

The applicant requests a change of zoning from highway commercial, C-3 to multi-family residential, R-3 on four lots 3, 4, 14, and 15, Block 6, Mosella Subdivision. The site is 31,200 square feet. Prior to permitting, the lots would have to be combined by resubdivision.

The request does not meet any of the guidelines for rezoning. It would not further the St. Chares Parish Comprehensive Plan and would create a spot zone. It would not follow the development trend along this portion of Highway 90 toward highway commercial, which the current zoning supports. The current zoning allows for reasonable use of the site. Finally, the potential uses may overburden existing infrastructure, specifically the existing sewer.

If approved, an update to the future land use map is not required as the site is less than three (3) acres.

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any of the three criteria for rezoning.