CITY ORDINANCE NO. CO-009-2024

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING THE LAFAYETTE DEVELOPMENT CODE SO AS TO RECLASSIFY THE PROPERTY OF CASE NO. 2023-38-REZ 406 NORTH STERLING STREET REZONING, LOCATED GENERALLY NORTH OF MUDD AVENUE, EAST OF NORTH STERLING STREET, AND SOUTH OF CHOPIN STREET; BEING REZONED FROM RS-1 (RESIDENTIAL SINGLE-FAMILY) TO RM-1 (RESIDENTIAL MIXED)

BE IT ORDAINED by the Lafayette City Council, that:

SECTION 1: The Lafayette Development Code is hereby amended so as to reclassify Case No. 2023-38-REZ 406 North Sterling Street Rezoning located generally north of Mudd Avenue, east of North Sterling Street, and south of Chopin Street, the particular parcel being rezoned from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed); the said parcel being shown and identified on a map titled, "A Plat of Survey showing Parcel A Ragul J. Jeannard Partition Residential Property", prepared by PBM Surveying, LLC, dated November 30, 2023, a copy of which is attached hereto and made a part thereof.

SECTION 2: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

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LAFAYETTE ZONING COMMISSION
RECOMMENDATION OF ACTION

TO: Lafayette City Council

FROM: Lafayette Zoning Commission and Community Development & Planning Dept.

SUBJ: 2023-38-REZ 406 North Sterling Street Rezoning

PETITIONER: Ashley Thom Lecky

DATE PETITION FILED: November 28, 2023

DATE OF PUBLIC HEARING: January 22, 2024

DATES OF PUBLICATIONS: January 7, 2024
January 17, 2024
January 21, 2024

DATE OF ZONING COMMISSION RECOMMENDATION: January 22, 2024

RECOMMENDATION: Approve the ordinance that would rezone property from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed).

Motion:	Dural
Second:	Pritchard
Vote:	4-0-1-0
Ayes:	Hebert, Dural, German, Pritchard
Nays:	None
Absent:	Trahan
Abstain:	None

ATTACHMENTS: Executive Summary and Preliminary Staff Report

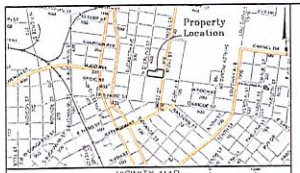
REASONS FOR RECOMMENDATION: Executive Summary including Zoning Commission Recommendation

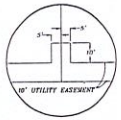
Sincerely,

Anne Famoso

Anne Famoso, Interim Director
Community Development and Planning Dept.

BOUNDARY SURVEY





UTILITY NICHE DETAIL
Not to Scale

REFERENCE:

A MAP SHOWING PARTITION OF PROPERTY
OF MR. RAGUL J. JEANNARD
CITY OF LAFAYETTE, LAFAYETTE PARISH, LOUISIANA
PREPARED BY FRED L. COLOUB PLS, LA REG NO. 145
AMENDED DATE JUNE 10, 1965
FILE NUMBER 1970-552293

BASIS OF BEARINGS: NAD83 STATE PLANE LOUISIANA SOUTH ZONE AND ELEVATIONS ARE NAVD88 GEOID 12B

LEGEND

CONTOUR LINE		MAIL BOX	
DRAINAGE LINE		OVERHEAD ELECTRIC LINE	
DRAIN MANHOLE		POWER POLE	
ELECTRIC BOX		SEWER CLEAN OUT	
FENCE CORNER		SEWER LINE	
FENCE LINE		SEWER MANHOLE	
FIBER OPTIC		SIGN	
FIBER OPTIC BOX		SPOT ELEVATION	
FIRE HYDRANT		TELEPHONE PEDESTAL	
GAS LINE		TOE OF DITCH	
GAS METER		TOP OF BANK	
GAS SIGN		TREE	
GAS VALVE		UNDERGROUND ELECTRIC LINE	
GRATE INLET		UNDERGROUND TELEPHONE	
GUY ANCHOR		X" WATER LINE	
H.C. SIGN		WATER METER	
LIGHT POLE		WATER VALVE	
LIGHT SIGNAL BOX		(LHD) HWY MARKER	
MONUMENT FOUND	N/F	NOW OR FORMERLY	
MONUMENT SET	AKA	ALSO KNOW AS	
IRON PIPE FOUND		FENCE LINE	
POB	POINT OF BEGINNING	(C)	DEED OR SURVEY CALL
POC	POINT OF COMMENCEMENT	(M)	FIELD MEASURE
IRS	IRON ROD SET	(typ)	TYPICAL
IRF	IRON ROD FOUND	ROW	RIGHT-OF-WAY

METES & BOUNDS
PARCEL A
1.621 ACRES

COMMENCING AT THE NORTHEAST R.O.W. OF N STERLING STREET AND MUDD AVE BEING THE POINT OF BEGINNING. (POB)
THENCE N09°58'32"E FOR A DISTANCE OF 109.40 FEET TO SET 1/2" IRON ROD;
THENCE S81°44'11"E FOR A DISTANCE OF 200.00 FEET TO SET 1/2" IRON ROD;
THENCE N10°27'19"E FOR A DISTANCE OF 61.61 FEET TO SET 1/2" IRON ROD;
THENCE S81°52'03"E FOR A DISTANCE OF 220.00 FEET TO SET 1/2" IRON ROD;
THENCE S09°26'18"W FOR A DISTANCE OF 174.05 FEET TO SET 1/2" IRON ROD;
THENCE ALONG A CURVE TURNING TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 38.85 FEET, AND A CHORD BEARING OF S33°57'12"W FOR A DISTANCE OF 35.03 FEET TO SET 1/2" IRON ROD;
THENCE N81°31'54"W FOR A DISTANCE OF 372.07 FEET TO SET 1/2" IRON ROD;
THENCE ALONG CURVE TURNING TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AND ARC LENGTH OF 39.53 FEET AND A CHORD BEARING N35°46'41"W FOR A DISTANCE OF 35.82 FEET TO SET 1/2" IRON ROD,
BEING THE POINT OF BEGINNING. (POB)

GENERAL NOTES

1. THE LOCATION OF EXISTING UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THEY WERE NOT EXCAVATED TO BE ACCURATELY LOCATED PER SURVEY 811 TICKET. CALL LOUISIANA ONE CALL @ 811 BEFORE DIGGING.
2. SERVITUDES SHOWN HEREON ARE NOT NECESSARILY EXCLUSIVE. SERVITUDES OF RECORD AS SHOWN ON TITLE OPINION OR TITLE POLICY WILL BE ADDED HERETO UPON REQUEST, AS SURVEYOR HAS NOT PERFORMED ANY TITLE SEARCH OF ABSTRACT.
3. THE PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 22055C0168 J DATED DECEMBER 21, 2018
4. SETBACK LINES SHALL BE VERIFIED BY OWNER OR CONTRACTOR PRIOR TO ANY CONSTRUCTION, AS AN ABSTRACT HAS NOT BEEN PERFORMED BY THE UNDERSIGNED.
5. THIS SURVEY WAS DONE ON THE GROUND UNDER MY DIRECT SUPERVISION AND CONTROL AND FOUND NO ENCROACHMENTS ON THE SUBJECT PROPERTY UNLESS OTHERWISE SHOWN
6. POSITIONAL ACCURACY OF FOUND MONUMENTS ARE WITHIN DIMENSIONAL TOLERANCES IN ACCORDANCE WITH THE MINIMUM STANDARDS OF A CLASS C SURVEY UNLESS OTHERWISE NOTED.
7. BEARINGS ARE BASED ON GPS OBSERVATION NAD83 STATE PLANE LOUISIANA SOUTH.
8. NO ATTEMPT HAS BEEN MADE BY PBM SURVEYING, LLC TO VERIFY TITLE, ACTUAL LEGAL OWNERSHIP, RIGHTS-OF-WAYS, EASEMENTS OR OTHER BURDENS ON THE PROPERTY OTHER THAN THAT FURNISHED BY THE OWNER OR HIS/HER REPRESENTATIVE. THIS PROPERTY MAY BE SUBJECT TO OTHER BURDENS NOT SHOWN
9. ALL SECTIONS LINES SHOWN ARE APPROXIMATE LOCATIONS

PLAT NOTES:

NO OF LOTS:	1 LOTS
TOTAL ACREAGE:	1.621 ACRES
MINIMUM FRONTAGE:	141
CURRENT ZONING:	RS-1

UTILITY IMPROVEMENTS:

STREET:	EXISTING ASPHALT
WATER:	LWS
SEWER:	LUS
ELECTRIC:	LUS
TELEPHONE:	AT&T
CABLE:	LTC
GAS:	ATMOS ENERGY

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

OWNER/APPLICANT
ASHLEY THOM LECKY
406 N STERLING ST
LAFAYETTE LA 70501-4946

PRELIMINARY PLAT

FRANCIS FORTIER, P.L.S. 4769

I CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL GROUND SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT IT MEETS THE MINIMUM STANDARDS AND PRACTICE FOR PROPERTY BOUNDARY SURVEYS FOR A CLASS "C" SURVEY SET FORTH BY THE LOUISIANA PROFESSIONAL ENGINEERING AND LAND SURVEYING BOARD.

SURVEY MADE AT THE REQUEST OF AND CERTIFIED TO:

ASHLEY THOM LECKY

PBM Surveying, LLC
216 Rochard Ln Surveying
PHONE/FAX: (337) 235-5537
PO Box 80594, Lafayette, LA 70598

A PLAT OF SURVEY SHOWING
PARCEL A
RAGUL J. JEANNARD PARTITION
RESIDENTIAL PROPERTY
LOCATED IN SECTIONS 59, 78 & 82 T9S, R4E
CITY OF LAFAYETTE, LAFAYETTE PARISH, LOUISIANA

REVISION NOTES			
NAME	DESCRIPTION	DATE	#

SCALE	1"=40'
DATE	11-30-2023
DRAWN BY:	BCH
CHECKED BY:	F.F.
PROJECT NO.	23-458
DRAWING NO.	23-458-1
SHEET 1 OF 1	

Lafayette Consolidated Government

Zoning Commission

Development and Planning Staff Report

EXECUTIVE SUMMARY

Drafted 12/6/2023
Amended 1/23/2024

2023-38-REZ

City Council District: 5 – Kenneth Boudreaux

Parish Council District: 5 – AB Rubin

Applicant: Ashley Thom Lecky

Request: This is a request to rezone the property from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed) to allow the continued use of the subject property as a Short-Term Rental, and also as the applicant's home. The building is contributing to the Sterling Grove Historic District listed on the National Register of Historic Districts.

Location: 406 North Sterling Street

Summary of Proposal:

The purpose of this proposal is to allow an existing short-term rental property to continue in this use by rezoning from RS-1 (Residential Single-Family), where short-term rentals are no longer permitted, to RM-1 (Residential Mixed), where short-term rentals are allowed.

Recommendation:

Staff recommends approval of the request to rezone from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed) as this is the only option for continuance of a short-term rental.

Reasons for Recommendation:

The subject property has been used as a short-term rental since the applicant became the owner of the house in 2007. The applicant maintains and improves the historic building by renting it out. The applicant rents out the home and a cottage on the grounds in tandem but still lives on the premises. RM-1 (Residential Mixed) zoning is the only way the applicant can continue a short-term rental. RM is desirable in this area and is an attempt to keep and maintain the home by using it as a short-term rental. The property is accessed from Mudd Avenue, a classified roadway, not North Sterling Street, which is more of a neighborhood street. Access from Mudd Avenue leaves less of an impact on the surrounding

neighborhood. Another historic home in this neighborhood is used as a B & B; right across Mudd Avenue from the subject property. Another historic home is used as an event center.

Summary of Public Comment:

At the time of publication of the preliminary report, staff has received 2 calls asking for information. The first caller was a neighbor who was against the rezoning at first, then reconsidered due to: she's never had any problems with the existing short-term rental, and she understands Ms. Lecky's position. The second caller wanted to make sure that nothing was changing on the property. She is fine with the house being used for a short-term rental as she has never had any problems with it.

ZONING COMMISSION RECOMMENDATION

The Zoning Commission held a public hearing regarding this matter at its January 22, 2024, meeting and approved a motion to recommend that the City Council approve the request to rezone the subject properties from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed).

Summary of Public Comment:

Public Comment before the Zoning Commission meeting
Support: 1
Opposition: 0
Neutral: 0

Public Comment during the Zoning Commission meeting
Support: 0
Opposition: 0
Neutral: 0

Zoning Commission Meeting

January 22, 2024

2023-38-REZ

To: City Zoning Commission

From: Anne Famoso, Interim Director
Cathie Gilbert, Planning Manager

City Council District: 5 – Kenneth Boudreaux

Parish Council District: 5 – AB Rubin

Prepared by: Carol Vermillion Robbins

PRELIMINARY STAFF REPORT

Applicant: Ashley Thom Lecky

Request: This is a request to rezone the subject property from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed) in order to continue to operate a short-term rental in a Historic Residence, which is also the applicant's home.

Location: 406 North Sterling Street

Description: The property is located generally north of Mudd Avenue, east of North Sterling Street, and south of Chopin Street. The subject property is approximately 1.62 acres.

Why is Zoning Commission action required?

The Zoning Commission is required to make a recommendation on all applications for amendments to the zoning map to the City Council prior to council action, in accordance with Article 4 of the Unified Development Code.

The UDC establishes procedures for making land development decisions. To obtain a certificate of occupancy, building permit or to subdivide the property, the zoning district must permit the proposed land use and development standards. The city of Lafayette is divided into zoning districts that can be generally categorized by agricultural, residential, mixed-use, commercial, and industrial land uses. Each zoning district has a set of permitted and/or conditional uses.

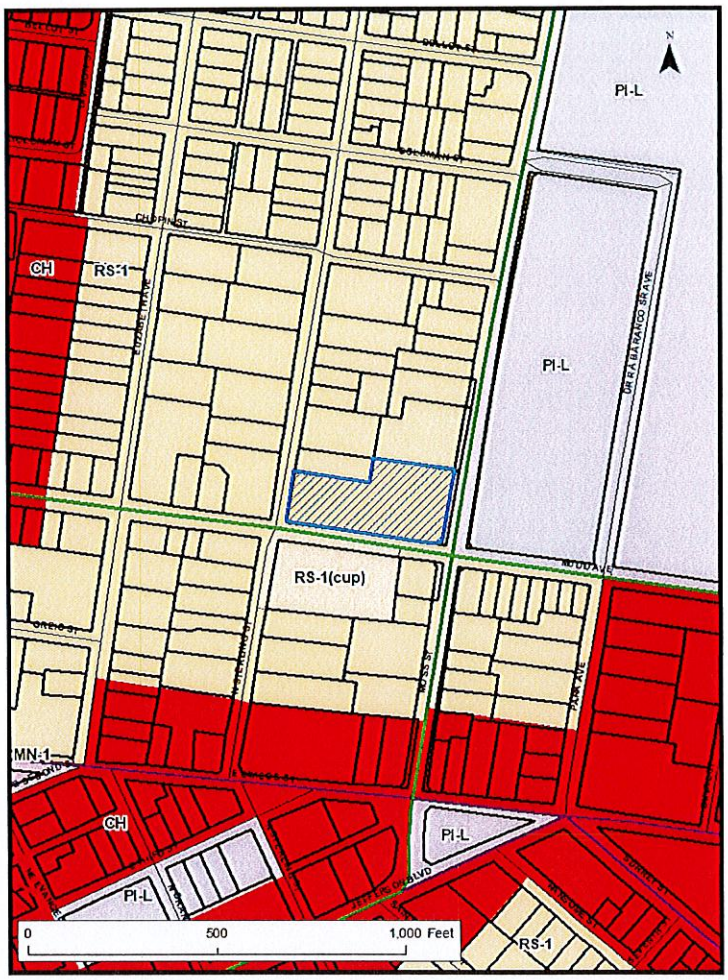
Subject Property Map

Vicinity Map

II. ANALYSIS

A. Existing conditions

Zoning



Zoning map of the area surrounding the petitioned site

The subject property is located on the edge of an RS-1 (Residential Single-Family) zoning district, bordered on the east side by a large PI-L (Public/Institutional Light) zoning district (an elementary school, with the Municipal Golf Course beyond), with CH (Commercial-Heavy) zoning districts to the south and to the west. The property across Mudd Avenue from the subject property is an RS-1 (CUP) (Residential Single-Family, with a CUP for a B & B in an RS-1 (Residential Single-Family) zoning district). There are several smaller PI-L (Public/Institutional Light) zoning districts to the south, which are a senior center and a veterans' park.

Land Use Map

The Land Use map indicates that the subject property is on the eastern edge of a large single-family residential neighborhood. There are one or two medium-density residential uses also. There are lodging areas to the south of the subject property, which are mainly at Maison Mouton, the B & B across the street from the subject property. The subject property is also right across Moss Street from an educational use, the Dr. Raphael A. Baranco Elementary School. There are both public and private civic uses in the area; St. Genevieve church and school, an event center, and several more churches in private uses, with the Senior Center and Veterans Park among the public uses. There are several mixed commercial uses along East Simcoe Street and Jefferson Boulevard.

Street Classification and Sidewalk Inventory Map

The subject property is located at the intersection of two minor arterials, Moss Street and Mudd Avenue. East Simcoe Street and Surrey Street, to the south, are both major collectors. I-49/Evangeline Thruway is not far to the west. There are sidewalks along Moss Street and Mudd Avenue and through most of the Sterling Street area.

B. Recent cases and relevant trends

The B & B across the street from the subject property is also a historic building and was rezoned last year to clarify conditions on the property and to clarify the number of guest rooms at the B & B, **Maison Mouton. ZON2022-0033 338 North Sterling Street CUP** and eliminated old conditions that had become obsolete and helped to clarify the extent of the B & B. There is also a case from December 18, 2023, concerning three lots in the 200 block of Moss Street. The applicant requested a CUP for a ***Dwelling, two-family (duplex)*** in an RS-1 zoning district (**2023-6-CUP 200 Block Moss Street CUP**) to offer additional affordable housing in the area. This is a historic neighborhood that draws in tourists and locals alike.

C. Purpose of rezoning and effect on adjacent land uses

The purpose of this rezoning is to rezone the subject property to continue the use of the subject property as a short-term rental. This particular subject property has operated as such for years without any major complaints. Access is from a minor arterial (Mudd Avenue) rather than from within the neighborhood. There are also a large amount of natural landscape buffers around the property, which offers privacy to the renters and to the neighbors. The subject property is at the edge of the RS-1 (Residential Single-Family) zoning district, and is bordered on the east side by another minor arterial (Moss Street) and by the existing elementary school, Dr. Raphael Baranco Elementary School. The subject property's location and history in the neighborhood make it an unobtrusive element there.

D. Evaluation of approval standards

The proposed rezoning is consistent with the comprehensive plan.

N/A

There was a mistake in the original zoning map or text.

N/A.

The proposed amendment is compatible with current development trends, if any, in the vicinity of the subject property.

Current development trends in this area are compatible with the proposed amendment. The subject property is on the edge of a RS-1 area, a neighborhood, but is also on the edge of an area that is changing. McComb-Veazey neighborhood is directly south of the subject property, and this neighborhood is the subject of many endeavors, especially with the I-49 work that will affect their neighborhood.

The proposed amendment promotes the public health, safety, morals, and general welfare.

N/A.

The proposed amendment is compatible with surrounding land uses.

Yes. Even though the subject property has been used as an short-term rental, it is compatible with its neighbors in that access is from Mudd Avenue, not an interior neighborhood street, and also in that the subject property is buffered by extensive plantings that shield the house and guests, and also shields neighbors from any noise or other intrusive occurrences. The subject property is at the intersection of two minor arterials, not deep within this neighborhood. As the subject property has been used for years as a short-term rental without major complaints it is natural to assume that the neighborhood would not be subject to annoyances in the future. Additional RM uses are not incompatible in this area but the short-term rental allows the maintenance on a large old historic home.

Hanley-Gueno House

Lafayette
CONSOLIDATED GOVERNMENT

Internal Memorandum

Community Development and Planning Department
Office of the Director (Route 9041)

TO: Rachel Godeaux **DATE:** January 22, 2024

FROM: Anne Famoso

SUBJECT: **Case No. 2023-38-REZ**
406 North Sterling Street Rezoning

The attached ordinance would rezone, from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed), property located generally north of Mudd Avenue, east of North Sterling Street, and south of Chopin Street.

The Zoning Commission, at its Monday, January 22, 2024 meeting, recommended that the City Council approve the attached ordinance. We request that Council Introduction be scheduled for Tuesday, February 6, 2024, with Final Adoption Tuesday, February 20, 2024.

Please call if you have any questions or require additional information in this matter.

Anne Famoso

Anne Famoso
Interim Director

RECEIVED
JAN 22 2024
Lafayette Consolidated Government
Chief Administrative Office

t: 337.291.8013 / msliman@lafayettela.gov / f: 337.291.8492

LAFAYETTE CITY COUNCIL MEETING

ZONING AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** This is a request for the adoption of an ordinance that would rezone property located generally north of Mudd Avenue, east of North Sterling Street, and south of Chopin Street.

2) **ACTION REQUESTED:** Adoption of the attached ordinance to reclassify the subject property from RS-1 (Residential Single-Family) to RM-1 (Residential Mixed).

3) **REQUEST ACTION OF COUNCIL:**

   A. INTRODUCTION: February 6, 2024

   B. FINAL ADOPTION: February 20, 2024

4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

   A. Cover Memo from Director (1 page)

   B. Submittal Form (1 page)

   C. Zoning Commission Recommendation of Action (1 page)

   D. Ordinance (1 page)

   E. Map (1 page)

   F. Final Evaluation of Zoning Considerations (11 pages)

5) **FISCAL IMPACT:**

   ___ Fiscal Impact (will be detailed in Cost-Revenue Analysis)

   _X_ No Fiscal Impact

RECOMMENDED BY:

Anne Famoso

ANNE FAMOSO, INTERIM DIRECTOR

APPROVED FOR AGENDA:

Rachel

CHIEF ADMINISTRATIVE OFFICER